

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
February 28, 2012**

7:30 p.m. Call to Order.

Invocation: Pastor Ken Hale of Victory Baptist Church in Portage

Pledge of Allegiance.

Roll Call.

Proclamations:

- A. Approval of the Special and Regular Meeting Minutes of February 14, 2012.
- * B. Approval of Consent Agenda Motions.
- * C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of February 28, 2012, as presented.
- D. Public Hearings:
- E. Petitions and Statements of Citizens:
- F. Reports from the Administration:
 - * 1. Communication from the City Manager recommending that City Council:
 - a. approve Contract 12-5028 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on West Centre Avenue, Oakland Drive to Shaver Road;
 - b. approve an engineering services contract with Wightman Jones, Incorporated, for construction inspection and administration of street improvements on West Centre Avenue, Oakland Drive to Shaver Road, in the not to exceed amount of \$92,500;
 - c. adopt a Resolution authorizing the City Manager to sign Contract 12-5028; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city.
 - * 2. Communication from the City Manager recommending that City Council approve a resolution setting a public hearing on the vacation of a portion of 7130 South Westnedge Avenue, place the resolution on file with the City Clerk for 28 days and take final action on March 27, 2012, and authorize the City Manager to execute all documents related to this action on behalf of the city.
 - * 3. Communication from the City Manager recommending that City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not to exceed cost of \$433,977 for the period of March 1, 2012, to March 1, 2013, and authorize the City Manager to execute all documents related to the action on behalf of the city.
 - * 4. Communication from the City Manager recommending that City Council adopt the Resolution to Approve Dispatch Collaboration and Acceptance of Michigan Department of Treasury Funding.
 - * 5. Communication from the City Manager recommending that City Council authorize the City Administration to:
 - a. solicit proposals from interested parties regarding liquor license availability with a response due date of May 11, 2012; and
 - b. correspond with applicants concerning the time schedule, application and ordinance requirements for liquor licenses;
 - c. review all liquor license applications in accordance with the requirements of Chapter 6 of the Codified Ordinances and provide information for consideration by Council in June 2012.
 - * 6. Communication from the City Manager recommending that City Council authorize the City Administration to execute the *Digital Parcel Data Sharing Agreement* for Public Safety Dispatching with the City of Kalamazoo.
 - * 7. Communication from the City Manager regarding the Downtown Development Authority Annual Report – Information Only.

- * 8. Communication from the City Manager regarding the January 2012 Summary Environmental Activity Report – Information Only.

- * 9. Department Monthly Reports.

G. Communications:

- * 1. Communication from the United States Postal Service regarding the consolidation of mail processing operations.

H. Unfinished Business:

- * 1. Communication from the City Manager recommending that City Council accept the amendment to Section 38-35 of Chapter 38, Historic Preservation, of the Code of Ordinances for second reading and final adoption.

* I. Minutes of Boards and Commissions Meetings:

- 1. Kalamazoo County Board of Commissioners Regular and Committee of the Whole of January 17, 2012.
- 2. Portage Youth Advisory Committee of January 30, 2012.
- 3. Portage Planning Commission of February 2, 2012.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council approve the purchase of one HP StorageWorks P4300 G2 MDL SAS Starter SAN Solution hard drive array with three-year extended service at a cost of \$22,146 and authorize the City Manager to execute all documents related to this purchase on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council approve a sole-source provider bid from Aggressive Industries in the amount of \$11,250 for supply and delivery of SuperDeck materials for improvements to the Bishop's Bog Preserve trail and authorize the City Manager to execute all documents related to this action on behalf of the city.

M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.

* 3. Reminder of Meetings:

- a. Thursday, March 1, 6:30 p.m., Human Services Board, City Hall Room #1.
- b. Thursday, March 1, 7:00 p.m., Planning Commission, Council Chambers.
- c. Monday, March 5, 10:00 a.m., Board of Review, City Hall Room #2.
- d. Monday, March 5, 5:00 p.m., Property Tax Forum, City Hall.
- e. Wednesday, March 7, 8:15 a.m., Historic District Commission, City Hall Room #2.
- f. Wednesday, March 7, 5:00 p.m., Property Tax Forum, City Hall.
- g. Wednesday, March 7, 6:30 p.m., Park Board, Stuart Manor.
- h. Monday, March 12, 8:00 a.m., Board of Review, City Hall Rooms #1 and #2.
- i. Monday, March 12, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
- j. Monday, March 12, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
- k. Tuesday, March 13, 8:00 a.m., Board of Review, City Hall Rooms #1 and #2.

N. Materials Transmitted.

Adjournment.

CITY COUNCIL MEETING SUMMARY

February 14, 2012

STUDENT MAYOR AND COUNCILMEMBER FOR THE DAY

- ◆ City Clerk James Hudson swore in the Student Mayor and Councilmembers for the Day.

CHECK REGISTER

- ◆ Approved the Check Register of February 14, 2012, as presented.

REPORTS FROM THE ADMINISTRATION

- ◆ Accepted the amendment to Section 38-35 of Chapter 38, Historic Preservation, of the Code of Ordinances for first reading and set a second reading with final adoption for February 28, 2012.
- ◆ Accepted the Tentative Plan Amendment for The Homestead Planned Development and set a public hearing for March 13, 2012, at 7:30 p.m. or as soon thereafter as may be heard; following the public hearing, consider approving the Tentative Plan Amendment for The Homestead Planned Development, 3821 West Milham Avenue, subject to the conditions outlined in the January 13, 2012 Department of Community Development report; and following action on the Tentative Plan Amendment, consider approving the Final Plan for the three McGillicuddy Lane land divisions.
- ◆ Approved the Final Plan for Oakland Hills Condominiums (Phase III), subject to the applicant reconfirming the wetland boundary with concurrence from the Michigan Department of Environmental Quality, before issuance of building permits for those units located adjacent to the wetland area.
- ◆ Adopted the Resolution Authorizing Refunding of the City of Portage Downtown Development Authority Bonds, Series 2001 and approved the Undertaking to Provide Continuing Disclosure.
- ◆ Authorized execution of a license agreement with the Austin Lake Governmental Lake Board for temporary placement of aeration equipment and authorized the City Manager to sign all documents related to this matter on behalf of the city subsequent to confirmation of the special assessment roll by the Austin Lake Governmental Lake Board.
- ◆ Approved the Human Services Board proposal for human service public education.
- ◆ Approved a request from Hyland Associates, LLC, allowing for an additional 90-day time period for City Council action on a preliminary plat.
- ◆ Authorized repairs to the 2007 Elgin Whirlwind street sweeper by Bell Equipment Company at a total cost not to exceed \$25,122.39 and authorized the City Manager to execute all documents related to these repairs on behalf of the city.

AD-HOC COMMITTEE REPORTS

- ◆ Received the presentation by Mayor Pro Tem Claudette Reid regarding the recent activity of the Housing and Neighborhoods Committee and the Community Survey Committee and deferred to Councilmember Urban, who provided a review of the activities of the Fees (Transparency and Fairness) Committee. Councilmember Sackley commented on some of the possible future directions available to the Community Survey that were discussed.

STATEMENTS OF CITIZENS

- ◆ State House of Representative Margaret O'Brien discussed the Proposed Budget set for two years by Governor Snyder stating that it was the first time more was paid on debt retirement than required. She commented on the commitment to increase the Rainy Day Fund, on the \$45 million for public safety, on the Governor's concern for the poorest cities and on best practices to ensure economic vitality. She said that there was no infrastructure in the budget and that the County would be receiving statutory revenue sharing. She recognized that the housing market is flat and, in the last five years, the State has lost 700,000 jobs.
- ◆ Mayor Strazdas and Councilmember Sackley recognized Celia Overlander, wife of former Mayor Don Overlander.

STATEMENTS OF STUDENT MAYOR AND STUDENT CITY COUNCIL FOR THE DAY

- ◆ At the request of Mayor Strazdas, the Student Mayor, the Student Councilmembers and Faculty Advisor Rick Searing expressed their appreciation for the opportunity to participate in the Student Council and Mayor for the Day Program. At the request of Mayor Strazdas, each Student Councilmember and the Student Mayor indicated what they learned during their Special Meeting with Mayor and City Council.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Mayor and City Council expressed their appreciation to the students who participated in the Student Council and Mayor for the Day Program and the Faculty Advisors for their efforts with the Program.
- ◆ Councilmember Pearson congratulated the Streets & Equipment Department for winning the Friends of Bicycling Award for the needed improvements to the bike paths.
- ◆ Councilmember Sackley indicated that a person never knows what is going to be the catalyst to get someone interested in government and cited Don Overlander for getting him involved and expressed his appreciation to the students who participated in the Student Council and Mayor for the Day Program and the Faculty Advisors for their efforts with the Program.
- ◆ Councilmember Urban apologized for missing the discussion of the need for separate football fields for the high schools, concurred with the comments of Councilmember Sackley regarding our students in the community and expressed his personal appreciation to them.

- ◆ City Manager Evans indicated that the following is posted on the City of Portage website at www.portagemi.gov: that the City of Portage Office of the City Assessor will host two Property Assessment Forums on Monday, March 5 and Wednesday, March 7 from 6 p.m. to 8 p.m. at Portage City Hall (7900 South Westnedge Avenue) in City Council Chambers; and, each forum will include an explanation of the assessment process, the assessment change notice, poverty exemption requirements and the Board of Review and Michigan Tax Tribunal appeal processes. He also indicated that the property owner who disagrees with their property value can meet with the Board of Review, Tuesday, March 13 through Thursday March 15, 2012.
- ◆ Mayor Pro Tem Reid highlighted the Human Services Board Human Service Public Educational Proposal Plan on the Consent Agenda, and announced a Chile Cook-off for the benefit of MYCOPS at The Hangar Bar and Grill on West Main in Kalamazoo, Saturday, from 12 p.m. to 5 p.m.
- ◆ Mayor Strazdas announced that the Kalamazoo Public Safety Department won the Battle of the Badges Hockey Game this year and \$5,000 was raised, took this moment to express his appreciation to the students who participated in the Student Council and Mayor for the Day Program and highlighted three construction projects: The Homestead, Oakland Hills Condominiums Phase III and the Preliminary Plat of Oakland Farms. Mayor Strazdas asked each Councilmember to present a Certificate of Participation to each of the Student Councilmembers for the Day and he presented one to the Student Mayor for the Day.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMIGOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.

MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL MAYOR AND CITY COUNCIL FOR THE DAY OF FEBRUARY 14, 2012

Mayor Peter Strazdas called the meeting to order at 8:03 a.m., provided a summary of the planned activities of the day. The following members of City Council were present: Councilmembers Jim Pearson, Ed Sackley and Terry Urban, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Councilmembers Elizabeth Campbell and Patricia Randall were absent with excuse. Also in attendance were City Manager Maurice Evans, City Attorney Randall Brown and City Clerk James Hudson.

Present from Portage Northern High School were: Delaney Beals, Amanda Croft, Rachel Daniels, Joe Livingston, Maycie McGowan, Bailey Williams and Rachel Zawistowski. Also present was Student Advisor Rick Searing.

Present from Portage Central High School were: Renee Beranek, Jake Flight, Emily Fulling, Megan Hayward, Robbie Overlander, Ben Palmer and Fiona Song. Also present was Student Advisor Mark Sutherland.

Mayor Strazdas provided a summary of Portage City government, and each Councilmember, City Manager Evans, City Attorney Brown and City Clerk Hudson provided a discussion of the Roles and Perspectives of their respective offices. Discussion and a question and answer session followed.

RECESS: 9:00 a.m.

Mayor Strazdas and the City Councilmembers each took a group of students on a tour of the offices of City Hall.

RECONVENE: 10:00 a.m. Councilmember Sackley left with excuse.

Mayor Strazdas asked the students to tell everyone what they felt are the important issues or a "wish list" for the community and the football field for Portage Northern High School came up as the number one concern, again. Mayor Strazdas left at 10:15 a.m. and returned at 10:32 a.m. Other concerns were high school swimming facility, implementing the no parking after 2 a.m. during the winter months, street festivals and ways to serve youth and bring back Portage youth to the community. Discussion followed.

ADJOURN: 10:38 a.m.

Mayor, City Council, Student Participants, Student Advisor and City Clerk Hudson adjourned and toured Portage Police Headquarters with Police Chief Richard White and Portage Fire Station #1 with Fire Chief Randy Lawton, both of whom took questions from the students. The students toured each of the facilities and discussion followed.

RECONVENE: 11:30 a.m. Councilmember Sackley returned.

Mayor Strazdas invited the student participants to eat lunch and asked each student to provide a speech stating why he or she wanted to be Mayor or Councilmember for the Day and to disclose whether they could attend the City Council Meeting later at 7:30 p.m. Discussion followed.

Following the student speeches, City Clerk James Hudson and Deputy City Clerk Adam Herringa led the process for voting in the Mayor and City Councilmember for the Day Election. The election for Student Mayor for the Day followed and the Student Mayor Elect for the Day was Joe Livingston.

The following students were elected Student Councilmembers for the Day from Portage Northern High School: Delaney Beals, Amanda Croft and Rachel Zawistowski, and from Portage Central High School: Renee Beranek, Emily Fulling and Robbie Overlander. Discussion followed.

Portage Central High School Student Advisor Mark Sutherland expressed appreciation to City Council for taking the time to listen to the students and Portage Northern High School Student Advisor Rick Searing indicated that it was refreshing and makes him want to go into the classroom and do an even better job. Discussion followed.

Mayor Strazdas thanked all of the students for participating and wished them success and asked each of them to give it their “all” each day so the community can get better and thanked City Council for participating.

ADJOURN: Mayor Strazdas adjourned the meeting at 12:40 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 14, 2012

The Regular Meeting was called to order by Mayor Peter J. Strazdas at 7:30 p.m.

Mayor Strazdas provided a short synopsis of the Mayor and City Council for the Day Program and called forth the student who was voted Student Mayor for the Day, Joe Livingston, and City Clerk James Hudson administered the Oath of Office to him. Mayor Strazdas called forth the students who were elected Student Councilmembers for the Day from Portage Northern High School: Delaney Beals, Amanda Croft and Rachel Zawistowski, and from Portage Central High School: Renee Beranek, Emily Fulling and Robbie Overlander, and Mr. Hudson administered the Oath of Office to them. The Student Mayor and Student Councilmembers took their seats at the dais.

Student Mayor Livingston introduced Pastor Jeff Jones of the Kalamazoo Valley Family Church of Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

The City Clerk called the Student Mayor and Student Councilmembers roll with the following members present: Student Councilmembers Delaney Beals, Amanda Croft and Rachel Zawistowski, Renee Beranek, Emily Fulling and Robbie Overlander and Student Mayor Joe Livingston.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the January 24, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Student Mayor Livingston asked all of the Student Councilmembers to share in the reading of the Consent Agenda. Motion by Urban, seconded by Sackley, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF FEBRUARY 14, 2012:** Motion by Urban, seconded by Sackley, to approve the Check Register of February 14, 2012. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **AMENDMENT TO THE CODE OF ORDINANCES – HISTORIC DISTRICT MODIFICATION: 3821 WEST MILHAM AVENUE:** Motion by Urban, seconded by Sackley, to accept the amendment to Section 38-35 of Chapter 38, Historic Preservation, of the Code of Ordinances for first reading and set a second reading with final adoption for February 28, 2012. Upon a roll call vote, motion carried 7 to 0.

* **TENTATIVE PLAN AMENDMENT FOR THE HOMESTEAD PLANNED DEVELOPMENT, 3821 WEST MILHAM AVENUE:** Motion by Urban, seconded by Sackley, to accept the Tentative Plan Amendment for The Homestead Planned Development and set a public hearing for March 13, 2012, at 7:30 p.m. or as soon thereafter as may be heard; following the public hearing, consider approving the Tentative Plan Amendment for The Homestead Planned Development, 3821 West Milham Avenue, subject to the conditions outlined in the January 13, 2012 Department of Community Development report; and following action on the Tentative Plan Amendment, consider

approving the Final Plan for the three McGillicuddy Lane land divisions. Upon a roll call vote, motion carried 7 to 0.

- * **FINAL PLAN FOR OAKLAND HILLS CONDOMINIUMS (PHASE III), 8716 OAKLAND DRIVE:** Motion by Urban, seconded by Sackley, to approve the Final Plan for Oakland Hills Condominiums (Phase III), subject to the applicant reconfirming the wetland boundary with concurrence from the Michigan Department of Environmental Quality, before issuance of building permits for those units located adjacent to the wetland area. Upon a roll call vote, motion carried 7 to 0.
- * **BOND REFUNDING RESOLUTION:** Motion by Urban, seconded by Sackley, to adopt the Resolution Authorizing Refunding of the City of Portage Downtown Development Authority Bonds, Series 2001 and approve of the Undertaking to Provide Continuing Disclosure. Upon a roll call vote, motion carried 7 to 0.
- * **AUSTIN LAKE AERATION EQUIPMENT PLACEMENT:** Motion by Urban, seconded by Sackley, to authorize execution of a license agreement with the Austin Lake Governmental Lake Board for temporary placement of aeration equipment and authorize the City Manager to sign all documents related to this matter on behalf of the city subsequent to confirmation of the special assessment roll by the Austin Lake Governmental Lake Board. Upon a roll call vote, motion carried 7 to 0.
- * **HUMAN SERVICES BOARD - HUMAN SERVICE PUBLIC EDUCATIONAL PROPOSAL:** Motion by Urban, seconded by Sackley, in lieu of the Human Services Board proposal to host a Human Services Fair, to approve a direct mailing regarding human services information and resources; publication of articles in the *Portager*; posting of relevant information on the city website; and use of cable access to enhance public education regarding human services available to Portage residents in the community. Upon a roll call vote, motion carried 7 to 0.
- * **PRELIMINARY PLAT OF OAKLAND FARMS NORTH, 9810 OAKLAND DRIVE:** Motion by Urban, seconded by Sackley, to approve a request from Hyland Associates, LLC, allowing for an additional 90-day time period for City Council action on a preliminary plat. Upon a roll call vote, motion carried 7 to 0.
- * **SWEEPER REPAIR REQUEST:** Motion by Urban, seconded by Sackley, to authorize repairs to the 2007 Elgin Whirlwind street sweeper by Bell Equipment Company at a total cost not to exceed \$25,122.39 and authorize the City Manager to execute all documents related to these repairs on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
- * **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:

Portage Board of Education Special and Regular of December 12 and Special of December 22, 2011, Policy Governance Session of January 9 and Special and Committee of the Whole Work Session of January 16, 2012.

Portage Park Board of January 4, 2012.

Portage Youth Advisory Committee of January 9, 2012.

Portage Environmental Board of January 11, 2012.

Portage Human Services Board of January 19, 2012.

Portage Planning Commission of January 19, 2012.

AD-HOC COMMITTEE REPORT:

PRESENTATION BY MAYOR PRO TEM CLAUDETTE REID: City Council received the presentation by Mayor Pro Tem Claudette Reid regarding the recent activity of the Housing and Neighborhoods Committee and the Community Survey Committee and deferred to Councilmember Urban, who provided a review of the activities of the Fees (Transparency and Fairness) Committee. Councilmember Sackley commented on some of the possible future directions available to the Community Survey that were discussed.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: State House of Representative Margaret O'Brien discussed the Proposed Budget set for two years by Governor Snyder stating that it was the first time more was paid on debt retirement than required. She commented on the commitment to increase the Rainy Day Fund, on the \$45 million for public safety, on the Governor's concern for the poorest cities and on best practices to ensure economic vitality. She said that there was no infrastructure in the budget and that the County would be receiving statutory revenue sharing. She recognized that the housing market is flat and, in the last five years, the State has lost 700,000 jobs. Discussion followed.

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ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:26 p.m.

James R. Hudson, City Clerk

***Indicates items included on the Consent Agenda.**

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 20, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of February 28, 2012 as presented.

Attached please find the Accounts Payable Register for the period February 5, 2012 through February 19, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE CHECK NUMBER VENDOR NAME VENDOR # BANK CODE CHECK AMOUNT

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
02/08/2012	279690	60TH DISTRICT COURT	999999		165.00
02/17/2012	279691	AT&T	4373		11,600.00
02/17/2012	279692	AT&T	849		3,685.75
02/17/2012	279693	A-I SIGNS	2873		87.50
02/17/2012	279694	AIR GAS GREAT LAKES	977		84.48
02/17/2012	279695	ALL-TRONICS, INC.	109		78.00
02/17/2012	279696	ALLEGRA PRINT & IMAGING	533		1,454.08
02/17/2012	279697	APPROVED FIRE PROTECTION CO.	630		246.00
02/17/2012	279698	TODD ARBANAS ENTERPRISES INC.	1704		2,375.00
02/17/2012	279699	ARROW UNIFORM RENTAL	4058		135.45
02/17/2012	279700	ARROWHEAD SCIENTIFIC, INC.	3744		377.95
02/17/2012	279701	ATTORNEYS TITLE AGENCY	999999		300.00
02/17/2012	279702	ADP, INC.	3305		873.49
02/17/2012	279703	BITTERSWEET ACRES	1123		300.00
02/17/2012	279704	BLASIUS, KRISTINA	999999		150.00
02/17/2012	279705	BLUE CROSS/BLUE SHIELD OF MICH	642		100,484.74
02/17/2012	279706	BOOTH NEWSPAPERS INC	89		721.26
02/17/2012	279707	BOURNER, JEAN	999999		242.00
02/17/2012	279708	BRINK'S, INC	153		261.00
02/17/2012	279709	BRONSON METHODIST HOSPITAL	156		100.00
02/17/2012	279710	FENNEMA ENTERPRISES, LLC	4645		5,644.00
02/17/2012	279711	C D W GOVERNMENT, INC.	2690		185.00
02/17/2012	279712	CAMPBELL AUTO SUPPLY	437		410.88
02/17/2012	279713	CASH REGISTER SALES & SERVICE	2619		45.75
02/17/2012	279714	CHARTER COMMUNICATIONS	3080		252.95
02/17/2012	279716	CINTAS CORP.	2206		526.37
02/17/2012	279717	CITY OF KALAMAZOO (TRANS MILLA	4649		95.45
02/17/2012	279718	CITY OF KALAMAZOO (TRANS MILLA	4649		865.85
02/17/2012	279719	CITY OF PORTAGE	177		3,695.39
02/17/2012	279720	COCHRAN GLASS AND DOOR, LLC	4547		75.00
02/17/2012	279721	CONKLIN, MAKRIINA	999999		160.00
02/17/2012	279722	CONSUMERS ENERGY	743		43,580.38
02/17/2012	279723	CONSUMERS ENERGY - KALAMAZOO	190		100.00
02/17/2012	279724	CONSUMERS ENERGY-BILL PMT CNT	189		47.50
02/17/2012	279726	CONSUMERS ENERGY-BILL PMT CNT	189		51,639.22
02/17/2012	279727	CORE TECHNOLOGY CORP.	3226		200.00
02/17/2012	279728	COSTAR REALTY INFORMATION, INC	4620		282.00
02/17/2012	279729	CROSSROADS CAR WASH	195		1,987.14
02/17/2012	279730	CROSSROADS EXPERT AUTO SERVICE	4109		239.00
02/17/2012	279731	DATA CONSTRUCTS LLC	4741		1,184.76
02/17/2012	279732	DELOOF BUILDERS	2545		187.95
02/17/2012	279733	DEPATIE FLUID POWER CO., INC.	211		497.00
02/17/2012	279734	DEWOLF & ASSOCIATES, LLC	4374		1,184.76
02/17/2012	279735	DIESEL INJECTION SERVICE, LLC	1874		470.00
02/17/2012	279736	ED & TED'S EXCELLENT ADVENTURE	3315		598.84
02/17/2012	279737	EMERGENCY VEHICLE PRODUCTS	2948		5,844.00
02/17/2012	279738	ENGINEERING SUPPLY & IMAGING	2615		2,614.91
02/17/2012	279739	EVANS, MAURICE	532		2,349.00
02/17/2012	279740	FERRIS GLASS CO., INC.	10		448.75
02/17/2012	279741	FIRST DUE FIRE SUPPLY CO.	4422		80.00
02/17/2012	279742	GOLD PYRAMID	999999		3,902.72
02/17/2012	279742	GOLD PYRAMID	999999		50.00

PROGRAM: GM350L FROM 02/05/2012 TO 02/19/2012 *ALL*

CITY OF PORTAGE BANK CODE

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
02/17/2012	279743	GORDON FOOD SERVICE	502	78.54
02/17/2012	279744	GORDON WATER SYSTEMS	517	64.50
02/17/2012	279745	GRAHAM FORESTRY SERVICE, INC.	464	720.00
02/17/2012	279746	GREATER KALAMAZOO SKATING ASSO	4514	160.00
02/17/2012	279747	GRIFFIN PEST CONTROL, INC.	598	134.00
02/17/2012	279748	H HOTEL	4761	186.90
02/17/2012	279749	HERRING, ADAM	532	132.27
02/17/2012	279750	HOLIDAY INN - BIG RAPIDS	999999	300.00
02/17/2012	279751	HOME DEPOT	691	7.86
02/17/2012	279752	HYATT DEERFIELD	999999	122.08
02/17/2012	279753	HYDRO-CHEM SYSTEMS, INC.	4039	577.72
02/17/2012	279754	HYLAND ASSOCIATES	999999	21.21
02/17/2012	279755	IERVOLINA, SUSAN	2074	168.00
02/17/2012	279756	INT'L ASSOC FOR IDENTIFICATION	3925	70.00
02/17/2012	279757	IAAO BANK LOCKBOX	3146	169.56
02/17/2012	279758	INT'L PERSONNEL MGMT ASSOC	1048	185.25
02/17/2012	279759	INTERSECT TECHNOLOGIES	379	1,224.00
02/17/2012	279760	J-AD GRAPHICS, INC	4444	1,031.00
02/17/2012	279761	JAYBEE SIGNS	4693	2,200.00
02/17/2012	279762	KAL COUNTY FIRE CHIEFS ASSOC.	1036	40.00
02/17/2012	279763	KALAMAZOO COUNTY ROAD COMMISSI	87	454.52
02/17/2012	279764	KALAMAZOO COUNTY TREASURER	514	1,459.91
02/17/2012	279765	KALAMAZOO COUNTY TREASURER	514	14,217.75
02/17/2012	279766	KALAMAZOO GAZETTE	4756	83.10
02/17/2012	279767	KALAMAZOO REG'L EDUC SVS AGENG	721	632.43
02/17/2012	279768	KALAMAZOO REG'L EDUC SVS AGENG	721	75.73
02/17/2012	279769	KALAMAZOO VALLEY COMMUNITY COL	230	671.30
02/17/2012	279770	KALAMAZOO VALLEY COMMUNITY COL	230	91.27
02/17/2012	279771	KAMMINGA & ROODVOETS, INC.	4567	9,760.70
02/17/2012	279772	KBWC INVESTMENT LLC	999999	120.31
02/17/2012	279773	KITCHENS, RON	999999	44.00
02/17/2012	279774	KLOSTERMAN DISTRIBUTING	3805	571.92
02/17/2012	279775	KZOO TIRE COMPANY	564	35.00
02/17/2012	279776	LEMHEN OIL CO.	2595	19,659.12
02/17/2012	279777	LOWE'S HOME CENTER	2630	81.25
02/17/2012	279778	LITAP	999999	30.00
02/17/2012	279779	M & M CUSTOM FABRICATING INC.	4576	51.75
02/17/2012	279780	M P E L R A	2305	45.00
02/17/2012	279781	MAIN STREET PORTRAITS INC	4481	175.00
02/17/2012	279782	MICHIGAN ASSESSOR'S ASSOC.	763	75.00
02/17/2012	279783	MICHIGAN ASSOC OF MUNICIPAL CL	4757	30.00
02/17/2012	279784	MICHIGAN ASSOCIATION OF FIRE C	3204	160.00
02/17/2012	279785	MOORE MEDICAL, LLC	3850	1,084.95
02/17/2012	279786	MOTION PICTURE LICENSING CORP.	3045	249.97
02/17/2012	279787	NEW FRESH CLEANING SERVICE	4351	33.75
02/17/2012	279788	A NEW LEAF	635	85.00
02/17/2012	279789	OFFICE DEPOT, INC.	1721	785.13
02/17/2012	279790	OFFICEMAX INCORPORATED	301	398.67
02/17/2012	279791	OTTEN TROPHIES	304	359.20
02/17/2012	279792	OUR DESIGNS, INC.	3090	45.88
02/17/2012	279793	OUTERWEARS, INC.	4720	297.53

ALL
 BANK CODE

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
02/17/2012	279794	P C MALL GOV. INC.	3945	2,289.99
02/17/2012	279796	PAPER CENTRAL	2623	5,864.38
02/17/2012	279797	PARIS CLEANERS	1794	1,976.95
02/17/2012	279798	FEERLESS, INC.	1171	90.00
02/17/2012	279799	PETERS CONSTRUCTION CO.	1638	148.34
02/17/2012	279800	PORTAGE DISTRICT LIBRARY	810	20.15
02/17/2012	279801	PORTAGE DISTRICT LIBRARY	810	11,777.44
02/17/2012	279802	PORTAGE PUBLIC SCHOOLS	590	234.40
02/17/2012	279803	PORTAGE PUBLIC SCHOOLS	590	655.64
02/17/2012	279804	PRIORITY HEALTH	4254	23,218.20
02/17/2012	279805	RAIN BIRD ACADEMY	999999	332.00
02/17/2012	279806	RELIABLE MANAGEMENT SYSTEMS, I	4354	331.00
02/17/2012	279807	REMAX ADVANTAGE	999999	35.95
02/17/2012	279808	RENEWED EARTH, INC.	4686	9,916.66
02/17/2012	279809	REPUBLIC SERVICES OF WEST MICH	4443	42,145.05
02/17/2012	279810	RIDGE AUTO NAPA	438	1,990.76
02/17/2012	279811	RIETH-RILEY CONSTRUCTION CO..	4386	2,307.05
02/17/2012	279812	ROTO-ROOTER SEWER & DRAIN SERV	345	440.42
02/17/2012	279813	ROWLEY BROTHERS, INC.	346	1,409.22
02/17/2012	279814	SARGENT, CONNIE	999999	44.00
02/17/2012	279815	SIGNWRITER & SERIGRAPHICS	2376	390.00
02/17/2012	279816	SNELLING PERSONNEL SERVICES	2107	461.73
02/17/2012	279817	SOLDANO, MARION J.	999999	166.09
02/17/2012	279818	SOUTHWEST MICHIGAN GOV CONSULT	4484	3,587.50
02/17/2012	279819	STATE INDUSTRIAL PRODUCTS CORP	2010	78.60
02/17/2012	279820	STATE OF MICHIGAN (DOT)	368	144,657.34
02/17/2012	279821	STATE OF MICHIGAN (MDEQ)	820	4,000.00
02/17/2012	279822	STATE OF MICHIGAN (MDEQ)	820	75.00
02/17/2012	279823	STATE SYSTEMS RADIO, INC	369	1,621.38
02/17/2012	279824	STEENMA LAW & POWER EQUIPMEN	3222	725.67
02/17/2012	279825	C. STODDARD & SONS INC.	1444	55.00
02/17/2012	279826	T D S METROCOM, LLC	4539	3,182.62
02/17/2012	279827	T-MOBILE USA INC	3665	29.99
02/17/2012	279828	TECHNOLOGY SOLUTIONS	4612	510.00
02/17/2012	279829	TELVENT DTN, INC.	4667	564.75
02/17/2012	279830	TERMINAL SUPPLY CO.	380	3,452.63
02/17/2012	279831	JOHANNA THOMPSON	4682	3,856.65
02/17/2012	279832	TRACTOR SUPPLY CORP.	2817	316.94
02/17/2012	279833	U S BANK	3497	850.00
02/17/2012	279834	U S POSTMASTER	392	6,000.00
02/17/2012	279835	UNITED PARCEL SERVICE	545	30.30
02/17/2012	279836	VANDENBRINK, BRIAN	532	250.00
02/17/2012	279837	WALGREENS	999999	949.46
02/17/2012	279838	WALGREENS	999999	784.51
02/17/2012	279839	WELLER TRUCK	1594	1,552.40
02/17/2012	279840	WESOLOWSKI, DEREK	999999	44.00
02/17/2012	279841	WEST MICHIGAN STAMP & SEAL, INC	415	74.65
02/17/2012	279842	WIGHTMAN & ASSOCIATES, INC.	425	1,756.25
02/17/2012	279843	WIGHTMAN JONES, INC.	3785	1,100.00
02/17/2012	279844	WILSON, CARRIANNE	999999	18.88
02/17/2012	279845	WINDEMULLER ELECTRIC, INC.	3061	3,317.31

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
02/17/2012	279846	WINDER POLICE EQUIPMENT, INC.	429		145.99
02/17/2012	279847	WOLVERINE LAWN SERVICE, INC.	1089		9,468.60
02/17/2012	279848	WYNN, KENNETH AND SUZANNE	999999		37.66
02/17/2012	279849	ZOLL DATA SYSTEMS, INC.	4709		750.00
DATE RANGE TOTAL *					611,529.04 *

FROM: 02/05/2012 TO: 02/19/2012

PAYMENT NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
861	AMERICAN SAFETY & FIRST AID	02/17/2012	144.70	072000320000001	0000001	00
862	ANIMAL REMOVAL SERVICE, LLC	02/17/2012	275.00	072000320000002	0000001	00
863	B & B YARDSCAPE	02/17/2012	955.00	072000320000003	0000001	00
864	BATTERIES PLUS	02/17/2012	521.70	072000320000004	0000001	00
865	C M P DISTRIBUTORS, INC.	02/17/2012	888.00	072000320000005	0000001	00
866	CAPITAL ADVANTAGE LEASING	02/17/2012	22,099.85	072000320000006	0000001	00
867	CONTINENTAL LINEN SUPPLY CO.	02/17/2012	41.60	072000320000007	0000001	00
868	CROWN TROPHY	02/17/2012	245.00	072000320000008	0000001	00
869	EMPLOYMENT GROUP, INC.	02/17/2012	1,276.05	072000320000009	0000001	00
870	GREAT LAKES CHLORIDE, INC.	02/17/2012	5,036.17	072000320000010	0000001	00
871	HARTFORD LIFE INSURANCE COMPANY	02/17/2012	7,772.72	072000320000011	0000001	00
872	HI-TECH ELECTRIC CO.	02/17/2012	129.56	072000320000012	0000001	00
873	INDUSCO SUPPLY CO., INC.	02/17/2012	56.49	072000320000013	0000001	00
874	J B PRINTING COMPANY	02/17/2012	625.00	072000320000014	0000001	00
875	KUSHNER & COMPANY, INC.	02/17/2012	370.94	072000320000015	0000001	00
876	MCCARTHY SMITH LAW GROUP, PLC	02/17/2012	3,412.50	072000320000016	0000001	00
877	PACIFIC TELEMGT SERV, JAROTH INC	02/17/2012	303.00	072000320000017	0000001	00
878	PLEUNE SERVICE COMPANY	02/17/2012	331.95	072000320000018	0000001	00
879	PRECISION PRINTER SERVICES INC	02/17/2012	979.15	072000320000019	0000001	00
880	ROAD EQUIPMENT PARTS CENTER	02/17/2012	1,095.84	072000320000020	0000001	00
881	SARCOM, INC	02/17/2012	39,080.44	072000320000021	0000001	00
882	SNELL, DEBRA	02/17/2012	172.00	072000320000022	0000001	00
883	SUBURBAN MECHANICAL	02/17/2012	3,115.00	072000320000023	0000001	00
884	THOMPSON, HELENE	02/17/2012	116.00	072000320000024	0000001	00
885	U S SIGNAL COMPANY, LLC	02/17/2012	549.00	072000320000025	0000001	00
886	UNITED PETROLEUM	02/17/2012	1,720.71	072000320000026	0000001	00
887	UNITED WATER ENVIRONMENTAL SERVICES	02/17/2012	167,775.40	072000320000027	0000001	00
888	VISION SERVICE PLAN INSURANCE CO	02/17/2012	1,959.00	072000320000028	0000001	00
889	WOOD PLUMBING LLC, D	02/17/2012	288.61	072000320000029	0000001	00
890	360 SERVICES, INC.	02/17/2012	2,616.46	072000320000030	0000001	00

GRAND TOTAL:

263,952.84 NO. OF CHECKS:

30

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 22, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Michigan Department of Transportation Contract – West Centre Avenue
(Oakland Drive to Shaver Road)

ACTION RECOMMENDED: That City Council:

- a. approve Contract 12-5028 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on West Centre Avenue, Oakland Drive to Shaver Road;
 - b. approve an engineering services contract with Wightman Jones, Incorporated, for construction inspection and administration of street improvements on West Centre Avenue, Oakland Drive to Shaver Road, in the not to exceed amount of \$92,500;
 - c. adopt a Resolution authorizing the City Manager to sign Contract 12-5028; and
- authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city.

The City Administration recently received a proposed contract between the Michigan Department of Transportation (MDOT) and the City of Portage concerning planned improvements on West Centre Avenue from Oakland Drive to Shaver Road. Improvements include asphalt pavement, reconstructing manhole castings as well as minor sewer and water improvements.

The current Transportation Improvement Plan is administered by the Kalamazoo Area Transportation Study (KATS). On May 24, 2011, City Council approved an amendment request to KATS to replace Romence Road Parkway, Lovers Lane to Sprinkle Road, with West Centre Avenue, Oakland Drive to Shaver Road, in the 2012 Transportation Improvement Plan. Depending on available federal funding, the City Administration is intending to reintroduce a segment of Romence Road Parkway (Portage Road to Sprinkle Road) as part of the 2013-14 Transportation Improvement Plan. The segment of Romence Road Parkway, Lovers Lane to Portage Road, will likely be reprogrammed to years 2014-15.

Both KATS and MDOT have approved the West Centre Avenue project for federal funding. The cost of all planned improvements related to the West Centre Avenue (Oakland Drive to Shaver

Road) project is estimated at \$937,800 with a maximum federal funding contribution of \$546,000. City share of the project cost is estimated at \$391,800 which will be funded by the Municipal Street Fund.

It has been MDOT's policy over the years to submit cost sharing agreements to local municipalities once the project has been advertised for construction bids. MDOT cannot award a construction contract without a signed cost sharing agreement from the local municipality. The city share of expenses is based on estimated construction costs developed by the consulting engineer and refined by MDOT staff engineers.

Once the contract is awarded by MDOT, construction of this project will commence in the summer of 2012. Subsequent to contract award by MDOT, the project is turned over to the city for construction inspection and administration.

Necessary plans, specifications and MDOT program application for this project was completed by Wightman Jones, Incorporated on behalf of the city. To maintain continuity from design to construction inspection and administration, city staff requested a cost proposal from the consultant to perform the necessary construction inspection, administration and reporting, as required by MDOT and the Federal Highway Administration. The cost proposal in the amount of \$92,500 was received and is considered to be reasonable and appropriate for the required work. The performance of Wightman Jones, Incorporated, has been excellent on other recently completed city projects. Funds for this work have been budgeted in the 2011-12 Fiscal Year Municipal Street Fund.

It is recommended that City Council approve Contract 12-5028 between the Michigan Department of Transportation and the City of Portage for street improvements on West Centre Avenue, Oakland Drive to Shaver Road; the engineering services contract with Wightman Jones, Incorporated, in the not to exceed amount of \$92,500; adopt a Resolution authorizing the City Manager to sign Contract 12-5028 and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and the consultant contract for this project on behalf of the city.

Attachments

**CITY OF PORTAGE
RESOLUTION**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2012 at 7:30 p.m., local time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____.

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Maurice S. Evans, to sign Contract 12-5028 between the City of Portage and the Michigan Department of Transportation. This contract for the resurfacing and rehabilitation of West Centre Avenue, Oakland Drive to Shaver Road. Together with necessary related work, located within the corporate limits of the city.

ADOPTED: YEAS:
NAYS:
ABSENT:

James R. Hudson, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2012 that the foregoing is a true and complete copy of the original on file in my office.

James R. Hudson, City Clerk

resMDOT12-5028

APPROVED AS TO FORM
DATE 2/20/12
[Signature]
CITY ATTORNEY

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 24, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: South Westnedge Avenue Way Right-of-Way Vacation (PCOC Property)

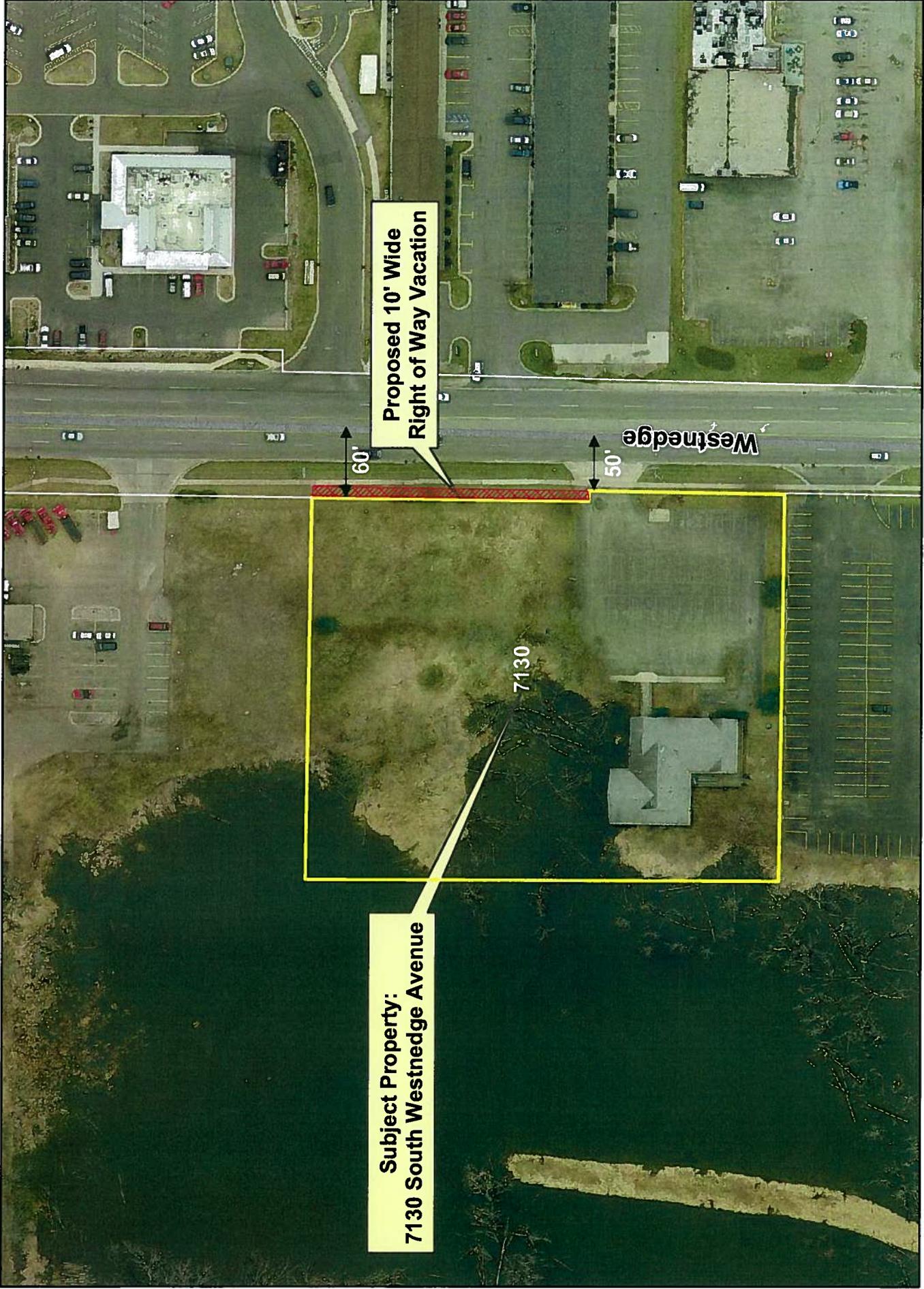
ACTION RECOMMENDED: That City Council approve a resolution setting a public hearing on the vacation of a portion of 7130 South Westnedge Avenue, place the resolution on file with the City Clerk for 28 days and take final action on March 27, 2012 and authorize the City Manager to execute all documents related to this action on behalf of the city.

On March 22, 2011, City Council authorized the City Administration to proceed with efforts to sell a 2.5 acre portion of excess city property at 7130 South Westnedge Avenue. As shown on the attached vicinity map, the parcel is comprised of the former Portage Community Outreach Center (PCOC) facility and vacant property located to the north.

On December 6, 2011, City Council adopted a resolution to sell excess property and accept a purchase offer from Jason Kline & Associates to sell the property. As part of the sales agreement the city agreed to provide a uniform right-of-way width along the parcel frontage on South Westnedge Avenue. To provide a uniform right-of-way, it is appropriate for the city to vacate a 10 foot width along the northern 206 feet of the parcel. The current west half of the right-of-way width along this area of South Westnedge Avenue was obtained by the State of Michigan in 1949 when South Westnedge Avenue was the US-131 state trunkline. At that time, a 60 foot west half right-of-way was acquired along the northern part of the parcel and a 50 feet west half right-of-way was acquired along the southern part. With the exception of the parcel immediately north of the subject property, South Westnedge Avenue generally consists of a 50 foot width right-of-way (west half) both north and south of the subject property and a 50 foot width right-of-way (west half) is consistent and adequate with future transportation plans for this area. Additionally, the 10 feet of additional parcel depth will provide for greater design flexibility and function on the northern part of this parcel.

It is recommended that City Council approve the resolution setting a public hearing on the vacation of a portion of South Westnedge Avenue, place the resolution on file with the City Clerk for 28 days and take final action on March 27, 2012 and authorize the City Manager to execute all documents related to the above on behalf of the city.

Attachment



**Proposed 10' Wide
Right of Way Vacation**

**Subject Property:
7130 South Westnedge Avenue**

7130

Westnedge

60'

50'



**RESOLUTION NO. 1
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION TO SET A PUBLIC HEARING ON THE VACATION
OF A PORTION OF SOUTH WESTNEDGE AVENUE
IN THE CITY OF PORTAGE, MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on _____, 2012 at 7:30 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____.

WHEREAS, the City of Portage has entered into a Purchase Agreement with Legacy Building, LLC, (as Assignee of and solely owned by the original Purchaser), to sell property located at 7130 South Westnedge Avenue, Portage, Michigan;

WHEREAS, the property subject to the sale includes a 10 foot wide portion of South Westnedge Avenue right-of-way as described in Exhibit "A";

WHEREAS, the City of Portage has jurisdiction over South Westnedge Avenue, including the 10 foot wide portion;

WHEREAS, to complete the sale of property at 7130 South Westnedge Avenue, it is necessary to vacate the portion of the right-of-way described above;

WHEREAS, the above described right-of-way is not improved, not being used by the traveling public and is not necessary for the present or future use of South Westnedge Avenue;

WHEREAS, it is in the best interest of the health, safety and welfare of the public to vacate said portion of South Westnedge Avenue;

NOW THEREFORE, BE IT RESOLVED that a public hearing be held at 7:30 p.m. on _____, 2012, or as soon thereafter as may be heard before the City Council at City Hall to consider the request and that all persons interested therein may be heard in support of, or against, said proposed vacation.

BE IT FURTHER RESOLVED, that the City Clerk publish a notice in substantially the form attached as Exhibit "B" on or before the ____ day of _____, 2012, giving notice to the public of the City's intent to vacate portions of the above described street.

BE IT FURTHER RESOLVED that a resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held for twenty-eight (28) days after the publication of this notice and may be inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. After said twenty-eight (28) day period, the Council may take final action and vacate said portions of said streets.

ADOPTED: _____

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

James R. Hudson, City Clerk

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the ____ day of _____, 2012.

James R. Hudson, City Clerk

Approved as to form:

Date: 2/23/12

4/23/12

City Attorney

Exhibit "A"

The West 10 feet of the East 60 feet of the North 206.25 feet of the South 701.25 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 16, T35, R11W.

EXHIBIT B

**CITY OF PORTAGE, MICHIGAN
NOTICE OF INTENTION TO VACATE A PORTION OF SOUTH WESTNEDGE AVENUE
IN THE CITY OF PORTAGE, MICHIGAN**

PLEASE TAKE NOTICE, that on the ____day of _____, 2012, the City Council for the City of Portage adopted a resolution providing notice of intent to vacate a portion of South Westnedge Avenue, as described as follows:

See Exhibit "A".

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2012.

James R. Hudson, City Clerk

**RESOLUTION NO. 2
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION TO VACATE
A PORTION OF SOUTH WESTNEGE AVENUE
IN THE CITY OF PORTAGE, MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on _____, 2012 at 7:30 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____.

WHEREAS, the City of Portage has entered into a Purchase Agreement with Legacy Building, LLC, (as Assignee of and solely owned by the original Purchaser), to sell property located at 7130 South Westnedge Avenue, Portage, Michigan;

WHEREAS, the property subject to the sale includes a 10 foot wide portion of South Westnedge Avenue right-of-way as described in Exhibit "A".

WHEREAS, the City of Portage has jurisdiction over South Westnedge Avenue, including the 10 foot wide portion;

WHEREAS, to complete the sale of property at 7130 South Westnedge Avenue, it is necessary to vacate the portion of the right-of-way described above;

WHEREAS, the above described right-of-way is not improved, not being used by the traveling public and is not necessary for the present or future use of South Westnedge Avenue;

WHEREAS, a public hearing was held on _____ 2012 to give interested persons the opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED that the City Council determines that the above described 10 feet of South Westnedge Avenue be vacated.

BE IT FURTHER RESOLVED, the City Council determines that it is in the best interest of the health, safety and welfare of the public to vacate said portion of the above street.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this resolution to be recorded in the office of the Register of Deeds for the Kalamazoo County, and another certified copy of this resolution to be sent to the Department of Commerce and State Treasurer, State of Michigan, and that until so recorded, this resolution is to have no force or effect.

ADOPTED: _____

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

James R. Hudson, City Clerk

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the ____ day of _____, 2012.

James R. Hudson, City Clerk

Approved as to form:

Date: 2/23/12

[Signature]
City Attorney

Exhibit "A"

The West 10 feet of the East 60 feet of the North 206.25 feet of the South 701.25 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 16, T35, R11W.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 22, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Comprehensive Liability, Property and Auto Fleet Insurance Coverage

RECOMMENDED ACTION: That City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not to exceed cost of \$433,977 for the period of March 1, 2012 to March 1, 2013, and authorize the City Manager to execute all documents related to the action on behalf of the city.

The City of Portage has been insured by the Michigan Municipal Risk Management Authority (MMRMA) for comprehensive liability, property and auto fleet insurance since 1984. The MMRMA has quoted a one-year renewal rate in the amount of \$433,977, which includes \$15,000,000 of liability coverage and \$75,000 of self-insurance retention coverage. The renewal rate represents a decrease of 10.9 percent over the premium cost paid last year.

The city expects a distribution of assets from MMRMA, although the exact amount is yet unknown. The distribution will be based on favorable claims experience by the city and investment income earned by MMRMA on its assets.

Council approval of the MMRMA liability insurance program is recommended. Funds have been allocated for the remaining Fiscal Year 2011-2012 Budget, with the balance to be included in the Fiscal Year 2012-13 Budget.

c: Robert Luders, Director of Financial Services

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 24, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Dispatch Collaboration and Acceptance of State Funding Resolution

ACTION RECOMMENDED: That City Council adopt the Resolution to Approve Dispatch Collaboration and Acceptance of Michigan Department of Treasury Funding.

Kalamazoo County currently has four (4) separate Public Safety Answering Points (PSAPs) that provide emergency dispatch services. These PSAPs are the City of Portage, the City of Kalamazoo, Kalamazoo County and Kalamazoo Township. Western Michigan University (WMU) provides emergency dispatch services but is not classified as a PSAP. Nonetheless, WMU is an important partner in exploring the feasibility in having a consolidated dispatch authority serving all citizens of Kalamazoo County. As Council is aware, the referenced entities are currently engaged in the development of a Request for Proposals (RFP) for the development of a business plan for consolidated dispatch. It is anticipated the RFP will be advertised later this spring and there will be consulting fees associated with providing oversight on the development of the business plan.

In anticipation of the anticipated expenses associated with exploring the feasibility of a consolidated dispatch authority, the Kalamazoo County administration submitted a grant application to the State of Michigan Department of Treasury. The grant application was submitted under the Economic Vitality Incentive Program (EVIP) with the state awarding \$20,000 to the County. In order to release the grant funds, the Department of Treasury requires that each governing body endorse the acceptance of these funds. As such, it is recommended that City Council adopt the attached resolution for Dispatch Collaboration and Acceptance of Michigan Department of Treasury Funding.

**CITY OF PORTAGE
RESOLUTION TO APPROVE DISPATCH COLLABORATION AND
ACCEPTANCE OF MICHIGAN DEPARTMENT OF TREASURY FUNDING**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2012 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, E 9-1-1 services are currently being provided independently by four separate service answering points (PSAP's) with the County of Kalamazoo; and

WHEREAS, a Consolidated Dispatch could streamline the different PSAP's and provide seamless service across the region; and

WHEREAS, a Consolidated Dispatch may enhance the delivery model and response time and therein improve service delivery; and

WHEREAS, the City of Kalamazoo, the City of Portage, the Township of Kalamazoo and the County of Kalamazoo are looking to decrease costs for all PSAP's and preserve long-term sustainability of E 9-1-1 across the region; and

WHEREAS, noting that the referenced units agreed to conduct a feasibility study to determine the viability of centralized dispatch services on a County-wide basis up to and potentially forming an independent dispatch authority and sought funding and support for the study from the Michigan Department of Treasury;

NOW, THEREFORE, BE IT RESOLVED that the City of Portage endorses acceptance of the \$20,000.00 seed funding under the Economic Vitality Incentive Program of the Michigan Department of Treasury by the County of Kalamazoo; and

BE IT FURTHER RESOLVED that the City of Portage will actively participate in the feasibility study on consolidation of the four PSAP's.

YES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, 2012, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

Approved as to form:

Date 2/23/12

City Attorney

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 20, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: City of Portage 2010 Census Liquor License Availability

ACTION RECOMMENDED: That City Council authorize the City Administration to:

- a. solicit proposals from interested parties regarding the liquor license availability with a response due date of May 11, 2012;
- b. correspond with applicants concerning the time schedule, application and ordinance requirements for liquor licenses; and
- c. review all liquor license applications in accordance with the requirements of Chapter 6 of the Codified Ordinances and provide information for consideration by Council in June 2012.

In December 2011, the Michigan Liquor Control Commission provided notice to the City Clerk that based on 2010 federal decennial census population counts, one (1) additional opening for a new, full year on-premises liquor license has become available to the City of Portage under the "quota provision". The notice further specifies that should the City Council approve issuance of the additional on-premises liquor license, a resolution specifying the recommended applicant must be forwarded to the Michigan Liquor Control Commission for review and final action.

Chapter 6 of the Codified Ordinances was established "to cause the greatest benefit to the city in its use of powers with regard to issuance, transfer, renewal or revocation" (and) "to provide an orderly and non-discriminatory procedure for review and approval... of any and all requests for liquor licenses". Chapter 6 also establishes the procedure and criteria for consideration of new liquor licenses.

To date only one business, Maestro Pizza, 4824 West Milham has inquired as to availability of the on-premise liquor license, but has yet to formally submit an application to the State Liquor Control Commission or the City of Portage. Given the availability of the additional liquor license for award and the potential interest in the license for use within the city, it is advised that Council solicit applicants for consideration of which, if any, to recommend to the State Liquor Control Commission. In order to provide sufficient time for consideration of all potential applicants, and to communicate the availability of the 2010 Census liquor license, it is advised that Council establish a May 11, 2012 closing date for submittal of applications to the city from those wishing to be considered. Applications will then be reviewed by the City Administration in accordance with the requirements of the ordinance. Council will then be provided with all necessary information for consideration of the applications in June 2012.

Attachment: Communication from the Michigan Liquor Control Commission



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRMAN

STEVEN H. HILFINGER
DIRECTOR

December 1, 2011

C:cm



Portage City Council
Attn: Clerk
7900 South Westnedge Avenue
Portage, Michigan 49002

Dear Clerk

This correspondence is in regard to the 2010 federal decennial census counts for Michigan Cities, Villages and Townships conducted on April 1, 2010 for determination of the population.

Pursuant to the official census counts for Michigan received from the Census Bureau our records have been amended to reflect the population of Portage City, Kalamazoo County is 46,292; and the quota based upon said population is 31.

This adjustment has therefore created one additional opening(s) for a new full year on-premises license(s) under the quota provision. Please mark your records accordingly.

If your Honorable Body intends to approve the issuance of the additional license(s) in your governmental unit, please forward you decision in the form of a resolution certified by the Clerk as the official proceedings of a regular or special meeting, with date of the meeting indicated. The resolution should specify which applicant you recommend "above all others" for the one available license(s). The applicant name (must be the correct, complete name "legal" name of the entity which is applying for the license), type of license being applied for and the complete address of the proposed location.

Enclosed is a resolution form for your convenience. If you have any questions, please call the Licensing Division at (517) 322-1400.

Very Truly Yours,

MICHIGAN LIQUOR CONTROL COMMISSION

Sharon Martin

Sharon Martin, Director
Licensing Division

lw
Enclosure

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from:

be considered for _____ **“above all others”**
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

SEAL

(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 20, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: City of Kalamazoo GIS parcel data sharing agreement for 911 Dispatch Systems

ACTION RECOMMENDED: That City Council authorize the City Administration to execute the *Digital Parcel Data Sharing Agreement* for Public Safety Dispatching with the City of Kalamazoo.

The City of Kalamazoo is requesting from each jurisdiction in Kalamazoo County, the use of Geographic Information System parcel data for the purpose of improving their public safety response times in mutual aid areas. As part of this request, the City of Kalamazoo and City of Portage are proposing a reciprocating formal data sharing agreement to be signed by both entities, which includes provisions to protect each data sharing partner from liability associated with the use of the data.

It is recommended that the city proceed with this agreement, which once implemented, will require minimal staff time and limited associated costs. The digital Parcel Data Sharing Agreement, which has been reviewed by the City Attorney, is attached for City Council authorization.

DIGITAL PARCEL DATA SHARING AGREEMENT FOR PUBLIC SAFETY DISPATCHING



I. Agreement

This document outlines the agreement between the City of Kalamazoo, Michigan and the City of Portage, Michigan ("Agencies" or "Agency") for digital parcel data sharing for the purpose of Public Safety dispatching. This agreement is made pursuant to the authority provided by Public Act 35 of 1951, as amended.

II. Description of Data to Be Provided

Both Agencies to this agreement are requesting permission to receive annual digital parcel updates from each other. The digital parcel data will be used only within Public Safety dispatch environments of each Agency to achieve the highest level of accuracy for identifying the location of an emergency situation.

Upon written consent to the following conditions and restrictions both parties agree to provide each other annual digital parcels as requested at no cost. This agreement is specific to Geographic Information System (GIS) parcel data and does not include any other layers or GIS information.

III. Terms of Agreement

The parcel data sharing between the two Agencies as outlined in this agreement is subject to the following conditions and restrictions:

A. Subject Data Layers Conditions and Restrictions

1. The GIS parcel data provided by both Agencies shall only be used by the Agency receiving the data in the conduct of Public Safety dispatching.
2. The GIS parcel data provided by both Agencies shall remain the property of the providing Agency. Neither Agency may sell, loan, copy, or otherwise transfer the provided data to any other individual, firm, organization, or agency except as permitted by the terms of this agreement.
3. Access to the GIS parcel data provided by both Agencies shall be exclusively for Public Safety employees only. The term "employee" as used in this agreement shall be construed to mean any contractor, consultant, or any similar person or entity hired by the Agency for a limited purpose related to Public Safety dispatch operations.

4. This agreement will become effective between both Agencies once signed by an authorized representative of each party and will remain in force until either party wishes to withdraw.
5. Either Agency may terminate this agreement by sending a written 30-day notice of termination to the other Agency to the attention of its signatory representative. The notified Agency will remove any shared (GIS) parcel data provided by this agreement from all applicable systems and hardware.

B. Liabilities and Limitations for the Accuracy of Digital Data Provided

1. Neither Agency makes a representation of any kind as to the accuracy of the GIS parcel data provided; nor do they make any warranties of fitness or accuracy for the purpose of Public Safety 911 Dispatching. Each Agency assumes no legal responsibility for the accuracy of the provided GIS parcel data.
2. Each Agency agrees to hold the other Agency and all of their employees, and agents harmless from any claim, suit, or proceeding arising from the use of the data provided to the other Agency in accordance with this agreement, including indemnification of the Agency for reasonable expenses incurred in defending such claims. However, nothing in this agreement shall be deemed or construed as a waiver of any immunity or other defense available to the Agencies.

C. Sharing of the GIS Parcel Data with Other Persons or Entities

1. If at any time during the course of the Agreement, an Agency determines that it is necessary to share portions of the GIS data provided by the other Agency with a person or entity not employed as a consultant, contractor, or any similar person or entity for Public Safety dispatch purposes, the Agency shall first request permission from the providing Agency before sharing any portion of the GIS data, unless otherwise committed by this Agreement or as required by law. Any such request shall be in writing to the providing Agency and shall specify the persons or entities with which the requesting Agency wishes to share GIS data, and the reasons why such sharing of information is necessary. Permission for the requesting Agency to share the GIS data provided by the other Agency with third parties shall not be unreasonably withheld if such sharing of information is necessary to further legitimate governmental purposes. Commercial or revenue-generating uses of the provided data shall not be considered a legitimate purpose.
2. Both Agencies acknowledges that the GIS parcel data being supplied is subject to disclosure pursuant to the Michigan Freedom of Information Act (MCL 15.231, et seq.) and/or the Michigan Enhanced Access to Records Act (MCL 15.441, et seq.). As such, both Agencies agree that when providing access to, or output from, the provided data to a third party, that the Agency will charge and collect a reasonable fee that enables both Agencies to recover their operating expenses as permitted and required by MCL 15.443(2). Each Agency agrees to convey to the other Agency 90% of any fee collected for providing the other Agencies data to a third party under the terms of this Agreement.

The undersigned on behalf of his or her employing Agency accepts and agrees to be bound by the terms and conditions set forth in this Agreement. It is fully understood that either Agency is permitted to utilize GIS parcel data information provided by this agreement primarily in the conduct of its Public Safety dispatch operations. Any other use of the provided data unless in conformance with the terms of this agreement shall be deemed unauthorized.

I have the authority to legally obligate the City of Portage to the terms of this agreement:

PRINTED NAME _____
DATE _____
TITLE _____
SIGNED _____

I have the authority to legally obligate the City of Kalamazoo to the terms of this agreement:

PRINTED NAME _____
DATE _____
TITLE _____
SIGNED _____

Approved As To Form:

Clyde J. Robinson,
City Attorney
City of Kalamazoo

APPROVED AS TO FORM
DATE 2-20-12
CRB
CITY ATTORNEY

December 14, 2011

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 17, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Downtown Development Authority Annual Report - Information Only

Attached is the Portage Downtown Development Authority (DDA) annual report for the information of City Council. The report will also be forwarded to the Michigan State Tax Commission consistent with PA 197 of 1975, as amended.

The annual report contains information about the public improvements and activities initiated in 1998 with the establishment of the DDA district along South Westnedge Avenue between Kilgore Road and I-94 and the approval of the original Development Plan/Tax Increment Finance Plan. Subsequent public improvements and activities were accomplished in 2003 with approval of the 2003 Amended Development Plan/Tax Increment Finance Plan. The intent of the public improvements and activities accomplished was to promote commercial development and redevelopment in the district, expand the tax base in the community and encourage job creation. During FY 2010-11, the DDA Board and City Council approved a 2011 Amended Development Plan/2011 Amended Tax Increment Financing Plan (2011 Amended Plan) to facilitate future development of private property within the DDA. The public improvements proposed in the 2011 Amended Plan included re-alignment of Trade Centre Way and West Fork Crossing, improvements to the South Westnedge Avenue and Trade Centre Way intersection, land acquisition and associated activities. While these public improvements are now substantially complete, expenditures occurred during FY 2011-12. Therefore, the FY 2010-11 Annual Financial Report does not include information pertaining to the 2011 Amended Plan public improvement projects.

The Portage DDA Board of Directors convened a meeting on February 16, 2012 to review the Annual Financial Report for FY 2010-11. As indicated in the accompanying report, all of the public improvements and activities have been completed. As for financial information, \$7.2 million in principal and interest remain on the outstanding bonded indebtedness of the Authority as of June 30, 2011. The initial assessed value in the DDA project area was established at \$12.76 million and the additional captured assessed value retained by the Authority is \$18.56 million for FY 2010-11. It is estimated that 1,425 full and part-time jobs have been created within the DDA through FY 2010-11. Attached is the Resolution with Appendix A approved by the Board of Directors.

The report documents the continued success of the 1998 and 2003 initiatives in facilitating private sector investment in the community and strengthening the local economy.

Attachments: Resolution with FY2010-2011 Annual Financial Report
Board meeting minutes dated February 16, 2012 (draft)

c: Vicki Georgeau, Director of Community Development

CITY OF PORTAGE

At a scheduled meeting of the Board of the Downtown Development Authority of the City of Portage, Michigan, held on February 16, 2012, at 8:00_a.m. at the City Hall, Portage, Michigan, there were:

PRESENT: Matt Milks, Terryl Patterson, Jeff Chrystal, James Huberty,
Ben Boyer, Rich MacDonald, Maurice Evans

ABSENT: Walter Hansen, Ron Dunlap

The following preamble and resolution were offered by Rich MacDonald and supported by James Huberty.

RESOLUTION APPROVING AND AUTHORIZING
THE TRANSMISSION OF THE FINANCIAL
REPORT ON THE STATUS OF THE TAX INCREMENT
FINANCING PLAN

WHEREAS, the Downtown Development Authority of the City of Portage (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 197 of the Public Acts of Michigan of 1975 (the "Act") and the Board of the Authority has been duly appointed and sworn into office; and

WHEREAS, the Authority is to transmit annually to the City Council of the City of Portage and the State Tax Commission a Financial Report on the Status of the Tax Increment Financing Plan which report shall include certain matters as required by Section 15 of the Act; and

WHEREAS, such material has been prepared and is attached hereto as Appendix A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF PORTAGE, as follows:

1. The Financial Report on the Status of the Tax Increment Financing Plan attached hereto as Appendix A is approved.

2. The Director of the Authority is authorized to transmit said financial report to the City Council of the City of Portage and the State Tax Commission.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: Matt Milks, Terryl Patterson, Jeff Chrystal, James Huberty,
Ben Boyer, Rich MacDonald, Maurice Evans

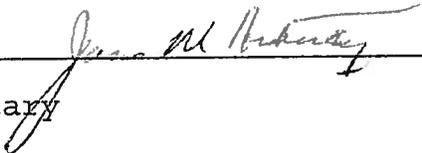
NAYS: None

ABSTAIN: Walter Hansen, Ron Dunlap

THE RESOLUTION WAS DECLARED ADOPTED:

SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the Downtown Development Authority of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board at a scheduled meeting held on February 16, 2012, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Secretary

[SEAL]

Dated: February 16, 2012

APPENDIX A
ANNUAL FINANCIAL REPORT
CITY OF PORTAGE
DOWNTOWN DEVELOPMENT AUTHORITY
FOR
FY 2010-2011

ANNUAL FINANCIAL REPORTS

CITY OF PORTAGE

DOWNTOWN DEVELOPMENT AUTHORITY

for

FY 2010 - 2011

Portage, Michigan

DOWNTOWN DEVELOPMENT AUTHORITY

OF

THE CITY OF PORTAGE

FY 2010-11 ANNUAL FINANCIAL REPORT

As Approved by the Authority Board

on

February 16, 2012

INTRODUCTION

As specified in PA 197 of 1975, the Downtown Development Authority Act provides government financing methods to eliminate property value deterioration within business districts and promote economic growth in communities. Of particular interest to the City of Portage are the provisions which allow tax increment financing to undertake public improvements in business districts in order to correct and prevent deterioration and stimulate business growth.

By way of example, the City of Portage has utilized this approach to construct public improvements on West Centre Avenue and Angling Road (for the SPX Corporation, formerly Allen Testproducts Facility). Also, Portage utilized tax increment financing to construct several important infrastructure projects to assist Pfizer, Inc. (formerly Pharmacia & Upjohn) and the Stryker Corporation with significant development projects during the early 1990's and 2000's.

With the 1998 Community Investment Initiative, the City of Portage again utilized tax increment financing to construct public improvements that revitalized the north portion of South Westnedge Avenue, between Kilgore Road and I-94. This part of South Westnedge Avenue exhibited signs of deterioration and development and redevelopment activities by the private sector were hampered by lack of access, traffic concerns and existing utility infrastructure. With tax increment financing under the Downtown Development Authority Act, tax increment revenue from tax millage levied within a downtown development authority district by the City of Portage, Portage District Library, Kalamazoo County and Kalamazoo Valley Community College was captured and used to improve public infrastructure which benefited all of Kalamazoo County, including the business sector. In the future, other public improvements could also be proposed and undertaken by the downtown development authority to further strengthen the local business sector within the district.

In 2003, additional efforts to further stimulate private sector investment were initiated and the Development Plan/Tax Increment Finance Plan was amended. These additional street, water main, signage and related public activities were included in the amended plan to promote development of additional vacant and underutilized land in the existing development area.

The purpose of the Tax Increment Financing Plan / Development Plan, per PA 197 of 1975 is to provide public improvements necessary for private sector investment. The property to which the Development Plan applies is the north portion of the South Westnedge Avenue Commercial Corridor. The area includes approximately 97 acres of land and is bounded by Kilgore Road on the north, the city of Kalamazoo well field to the west, I-94 to the south and the business zoning districts to the east of South Westnedge Avenue on the east.

Following are descriptions of the public improvements and activities undertaken in 1998 and in 2003. The descriptions encompass several public improvements and activities that were completed to foster private sector investment in the DDA.

1998 DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
INFRASTRUCTURE IMPROVEMENT PROJECTS (COMPLETED)

<u>Public Improvements</u>	<u>Original Estimated Time Required for Completion</u>	<u>Original Estimated Cost</u>
1. Andy Avenue Extension	12 months	\$487,000
Construct a new 1400 feet long and thirty-six foot wide public street intersecting South Westnedge Avenue at the Andy Avenue signalized intersection, with necessary storm water facilities. Repave 1000 feet of DeHaan Street with intersection improvements at South Westnedge Avenue.		
2. DeHaan Drive Sanitary Sewer Relocation	12 months	\$307,000
Relocate approximately 2100 feet of existing sanitary sewer trunk main located west of DeHaan Drive to the south, paralleling the I-94 right-of-way.		
3. South Westnedge Avenue Property Acquisition	12 Months	\$850,000
Purchase the property addressed along South Westnedge Avenue and DeHaan Drive which is necessary for the extension of Andy Avenue.		

Note: Additional right-of-way and/or easements will be provided by property owners for minimal consideration in order to construct the necessary public street and to relocate the sanitary sewer.

With regard to the identified projects, the Andy Avenue extension (Market Place) and repaving of DeHaan Drive was completed in 1999. The DeHaan Drive sanitary sewer relocation was subsequently completed in 1999. Finally, after lengthy litigation concerning the acquisition of land necessary for the construction of Market Place, the acquisition was completed in 2001. Bonds were subsequently sold in 2001 in the amount of \$3,100,000 to finance street improvements of \$521,342; sanitary sewer relocation of \$292,429; and property acquisition of \$2,286,229. (Lead underwriter is Morgan Stanley Dean Witter).

2003 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS
(COMPLETED)

<u>Public Improvements</u>	<u>Estimated Time Required for Completion</u>	<u>Estimated Cost</u>
1. The acquisition of 5.44 acres of land for public street right-of-way and stormwater retention -	Fall 2003	\$ 909,000
2. The construction of an approximate 2200-foot long, 36-foot wide public cul-de-sac street, with pavement, curb and gutter, sidewalk, conduit for the installation of telecommunications fibre, street lighting and landscaping -	Fall 2003/Spring 2004	\$ 689,000
3. The construction of public water main from the Milham Well Field to the DDA under I-94, to be looped with public water utilities in Holiday Lane -	Fall 2003/ Spring 2004	\$ 300,000
4. To facilitate “way finding” by customers from South Westnedge and West Fork Crossing the financing and construction of identification sign at South Westnedge and orientation sign at West Fork Crossing -	Summer 2004	\$ 30,000
5. The acquisition of 2.81 acres of land in the DeHaan Drive (now Trade Centre Way) and West Fork Crossing vicinity of the DDA for stormwater or other public use –	2004	\$ 500,000
6. The annual maintenance, monitoring of the retention facility mitigation facility -	Annually (Not Bonded)	\$ 5,000 (\$100,000 over 20 yrs.)

Notes: The public right-of-way and stormwater retention area to be purchased by the City of Portage through the DDA is immediately north of I-94.

Wayfinding signs by H&G, LLC have been installed along South Westnedge Avenue and I-94.

FY 2010-2011 FINANCIAL INFORMATION

The Annual Financial Report has been prepared pursuant to Section 15 (1) of PA 197 of 1975, as amended, The Downtown Development Authority Act. The Annual Report is for FY10-11 and contains the information required by the Act.

Section 15 (3) (a): THE AMOUNT AND SOURCE OF REVENUE IN THE ACCOUNT

Tax Increment Revenue	\$373,678
Interest	\$1,987
Sale of Land	\$56,615

Section 15 (3) (b): THE AMOUNT IN ANY BOND RESERVE ACCOUNT

In the DDA bond reserve account there is \$387,273

Section 15 (3) (c): THE AMOUNT AND PURPOSE OF EXPENDITURES FROM THE ACCOUNT

\$408,189 was transferred to the Bond paying agent to pay debt service.

Section 15 (3) (d): THE AMOUNT OF PRINCIPAL AND INTEREST ON ANY OUTSTANDING BONDED INDEBTEDNESS

\$7,246,565 as of June 30, 2011.

Section 15 (3) (e): THE INITIAL ASSESSED VALUE OF THE PROJECT AREA

The initial value is established at \$ 12,767,600.

Section 15 (3) (f): THE CAPTURED ASSESSED VALUE RETAINED BY THE AUTHORITY

The captured value is established at \$18,556,543 for FY 2010-11.

Section 15 (3) (g): THE TAX INCREMENT REVENUES RECEIVED

The tax increment revenues received in 2010-2011 = \$373,678

Section 15 (3) (h): THE NUMBER OF JOBS CREATED AS A RESULT OF THE IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN

It is estimated that 1,425 jobs have been created.
(includes 275 jobs at Trade Centre II, which is just outside the DDA district)

Section 15 (3) (i): ANY ADDITIONAL INFORMATION THE GOVERNING BODY OR THE STATE TAX COMMISSION CONSIDERS NECESSARY

Attached find a page detailing budget to actual comparison developed for the annual report. This information provides supporting documentation for this financial report.

CITY OF PORTAGE, MICHIGAN

**Downtown Development Authority Debt Service Fund
Schedule of Revenues, Expenditures and Changes in Fund Balance
Budget and Actual**

**Fiscal Year Ended June 30, 2011
With Comparative Actual Amounts for Fiscal Year Ended June 30, 2010**

	2011		Variance with	2010
	Amended Budget	Actual	Amended Budget + / (-)	Actual
REVENUES:				
Taxes	\$ 378,300	\$ 373,678	\$ (4,622)	\$ 410,511
Interest on investments	2,000	1,987	(13)	3,693
Other revenue	-	56,615	56,615	-
Total revenues	<u>380,300</u>	<u>432,280</u>	<u>51,980</u>	<u>414,204</u>
EXPENDITURES:				
Debt Service:				
Principal	160,000	160,000	-	140,000
Interest	248,440	248,189	251	253,921
Total expenditures	<u>408,440</u>	<u>408,189</u>	<u>251</u>	<u>393,921</u>
Excess (deficiency) of revenues over expenditures	<u>(28,140)</u>	<u>24,091</u>	<u>52,231</u>	<u>20,283</u>
Net change in fund balance	<u>(28,140)</u>	<u>24,091</u>	<u>52,231</u>	<u>20,283</u>
Fund balance - beginning	<u>363,182</u>	<u>363,182</u>	<u>-</u>	<u>342,899</u>
Fund balance - ending	<u>\$ 335,042</u>	<u>\$ 387,273</u>	<u>\$ 52,231</u>	<u>\$ 363,182</u>

DOWNTOWN DEVELOPMENT AUTHORITY

DRAFT

Minutes of Meeting – Thursday, February 16, 2012

The meeting of the Downtown Development Authority (DDA) was called to order at 8:05 a.m. in Conference Room #1, at Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Terry Patterson, Benjamin Boyer, Matthew Milks, James Huberty, Rich MacDonald, Jeff Chrystal and Maurice Evans.

MEMBERS EXCUSED:

Ronald Dunlap; Walter Hansen

IN ATTENDANCE:

Vicki Georgeau, Director of Community Development and Daniel Foecking, Finance Director

APPROVAL OF MINUTES:

The minutes of the June 29, 2011 meeting were introduced for approval. A motion was offered by Evans and seconded by MacDonald to approve the meeting minutes as presented. The motion was unanimously approved.

BUSINESS:

1. Resolution Authorizing Refunding of the City of Portage Downtown Development Authority Bonds, Series 2001

Mr. Foecking reviewed the communication regarding the proposed refunding or refinancing of Downtown Development Authority Bonds, Series 2001, which has been proposed to lower the interest rates and debt service for the DDA. As indicated in the agenda materials, the refinance will result in a present value savings of \$128,471. Mr. Evans noted the refinancing is important to delay and potentially avoid subsidies from the city General Fund to service DDA debt. Mr. Foecking indicated that without the refinancing, the city General Fund would have to contribute to the DDA for debt service in FY 2015-16, but with the refinancing, such subsidy could be delayed until FY 2017-18. Further, if additional development within the DDA occurs as anticipated following the 2011 amended plan public improvement projects, General Fund subsidies for the DDA may be avoided altogether. MacDonald inquired regarding the status of additional SWEPS projects within the DDA given the challenges with debt service. Ms. Georgeau indicated additional SWEPS projects are not planned within the DDA until 2018 and 2020, and Mr. Evans added that implementation of capital improvement projects are evaluated on an annual basis. Mr. Foecking noted that if the SWEPS within the DDA are implemented, funding with Capital Improvement Program (CIP) bonds could also be a feasible alternative. There being no further discussion, a motion was offered by MacDonald and seconded by Boyer that the Resolution Authorizing Refunding of the City of Portage Downtown Development Authority Bonds, Series 2001 be approved. Upon a voice vote, the motion was unanimously approved.

2. FY 2010-11 Annual Financial Report

Ms. Georgeau reviewed the communication concerning the 2010-2011 annual report to the City Council and State Tax Commission. Ms. Georgeau indicated the construction projects associated with the 1998 and 2003 amended plan have been completed. In addition, while projects proposed in the 2011 amended plan are substantially complete, such expenditures occurred in FY 2011-12 and are therefore not included in the 2010-2011 annual report. A resolution has been prepared that approves and authorizes the transmission of the financial reports on the status of the tax increment finance plan. Attached to the resolution is appendix A, which summarizes the report and the applicable annual financial information as required by statute. There being no further discussion, a motion was offered by MacDonald and seconded by Huberty that the Resolution Approving and Authorizing the Transmission of The Financial Reports on The Status of The Tax Increment Financing Plan be approved. Upon a roll call vote, the motion was unanimously approved.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the DDA, the meeting was adjourned at 8:20 a.m.

Respectfully submitted,

Vicki Georgeau, AICP
Director of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 17, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: January 2012 Summary Environmental Activity Report – Information Only

Attached please find the January 2012 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: W. Christopher Barnes, Director of Transportation & Utilities
Planning Commission
Portage Environmental Board

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: February 17, 2012

FROM: W. Christopher Barnes, Director of Transportation & Utilities *WCB*

SUBJECT: January 2012 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
January 2012 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. <i>Investigation into methane gas presence is underway.</i>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 3 site/building plans and/or plats completed in January 2012.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in January 2012: 0 residential; 1 commercial. One property owner on Mandigo Avenue has received a deferment from the Environmental Board.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. The 2011 program is complete.
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on

June 25, 2010. The 2010 year report received in January 2011. The 2011 results show declining groundwater levels throughout the city. The 2011 annual report received and under review. Groundwater results show that general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009.

Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Annual sampling completed in June 2011 minimal impacts noted. Sampling will continue.
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2014. City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control

Association. *2010-11 annual report was submitted on January 20, 2012.*
Implementation is ongoing.

National Pollution Discharge
Elimination System (NPDES)
permit implementation

Kalamazoo River Mainstem
Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011.

Portage River Watershed
Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. *Grant outcome pending.*

Plan to implement and maintain an
Illicit Discharge Elimination
Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant

from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI. *Implementation is ongoing.*

Storm Sewer Outfall Testing

On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers) surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. Testing will continue annually and is reported to MDEQ.

Garden Lane Arsenic Removal Facility
 Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation.

Environmental Incident/Spill Clean Up Notification
 Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

-The number of environmental incident/spill investigations performed in January 2012 – 0. Number of environmental cleanups in January – 0. Emergency spill response contract for 2012-13 with Terra Contracting is in place.

Hampton Wetland Area Water Level
 Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association

currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

Southwest Michigan Regional
Sustainability Covenant Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.



February 23, 2012

C:CM
cc

✓ Council Members
City of Portage
7900 S. Westnedge Ave.
Portage MI 49002



Dear Council President and Members,

This is to inform you of the U.S. Postal Service's decision to consolidate mail processing operations at the Kalamazoo Processing and Distribution Center (P &DC) with those of the Grand Rapids Processing and Distribution Center (P & DC). Once the transfer of operations is completed, the Kalamazoo Processing and Distribution Center (P &DC) will be closed. There will be no change to the Business Mail Entry Unit at the Kalamazoo Processing and Distribution Center (P &DC) location at this time.

I want to assure you that the community's input was valued and carefully considered before making this decision. Ultimately, based on all of the factors involved, it was determined to proceed with the consolidation.

The Postal Service has experienced a 25 percent decline in First-Class Mail volume since 2006, and receives no tax dollars for its operations, relying instead on the sale of postage, postal products and services. The decision to consolidate mail processing facilities recognizes the urgent need to reduce the size of the national mail processing network to eliminate costly underutilized infrastructure.

Specific dates have not been set for the transition. Until a specific date has been announced, residential and business mailers will continue to be served through the current facilities.

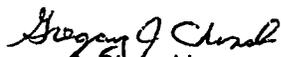
In December, the Postal Service agreed to impose a moratorium on closing or consolidating post offices and mail processing facilities prior to May 15, 2012, to give Congress and the Administration the opportunity to enact an alternative plan. In the meantime, the Postal Service continued all necessary steps required for the review of these facilities, including public notifications, public input meetings and consideration of public comments.

Implementation of this consolidation is contingent upon the outcome of pending rulemaking for a proposal to revise existing service standards. This announcement is provided in advance so that appropriate planning and notification can be made in accordance with existing employee agreements.

Specific information about individual studies is posted on usps.com/areamailprocessing.

If you have questions, or need additional information, please let me know.

Sincerely,


Gregory J. Chanski
A/Plant Manager
Kalamazoo P & DC

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 8, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Amendment to the Code of Ordinances - Historic District Modification: 3821 West Milham Avenue

ACTION RECOMMENDED: That City Council accept the amendment to Section 38-35 of Chapter 38, Historic Preservation, of the Code of Ordinances for first reading and set a second reading with final adoption for February 28, 2012.

Property addressed as 3821 West Milham Avenue is located in a historic district in the City of Portage. The Historic District Commission received a request from Patrick and Lisa Lynch, jointly with American Village Builders (AVB), seeking to remove an approximate 1.51-acre portion from the historic district of the roughly 22-acre property at 3821 West Milham to create three (3) single family residential lots. Previously in September 2007, City Council approved the appointment of the Historic District Commission (HDC) as a standing Historic District Study Committee (HDSC) for the purpose of reviewing any requests to alter the district.

The HDSC, as set out in Public Act 169 of 1970, reviewed the request and prepared a preliminary report, which was submitted to the Portage Planning Commission, the Michigan Historical Commission and the State Historic Preservation Review Board accordingly. Additionally, a public hearing on the matter was held on January 11, 2012. A final report reflecting this review is attached.

Section 38-35, Historic Preservation, of the Codified Ordinances describes the properties within the Portage Historic Districts. The proposed amendment would update the ordinance to reflect the current legal description for 3821 West Milham Avenue on file with the City Assessor, as well as modify the narrative to reflect the recently proposed boundaries of this district.

The proposed amendment, as supported by the Historic District Study Committee and prepared by the City Attorney, are recommended for first reading with a second reading and final adoption at the February 28, 2012 City Council meeting.

Attachments:

1. Report from the Historic District Study Committee dated January 11, 2012
2. Communication from James Cheesbro, Chairman of the Portage Planning Commission, dated January 9, 2012.
3. Ordinance Amendment

City of Portage, Michigan Historic District Study Committee

Historic District Modification
The "Van Riper" Property
3821 West Milham Avenue · Portage, Michigan 49024

Final Report

January 11, 2012

Summary

A request from Patrick and Lisa Lynch, owners of the property commonly known as 3821 West Milham Avenue, seeks to remove an approximately 1.51 acre portion from the approximately 22 acres Van Riper property located within the City of Portage Historic District. It is the recommendation of the Historic District Study Committee ("HDSC") that the City Council **APPROVE** the request as outlined and requested.¹

Authority

The Local History Districts Act, being Act 169 of 1970 as amended;
The City of Portage City Council resolution designating the Historic District Commission as the standing Historic District Study Committee, pursuant to MCL 399.214, to review and make recommendations as recited in the December 1, 2011 Communication from Erica L. Eklov, Administrative Assistant to the City Manager.

The Charge of the Committee

The Historic District Study Committee was charged with reviewing the request and acting as set forth in Public Act 169 of 1970. Specifically, the HDSC must:

1. Conduct a photographic inventory of resources within the existing historic district.
2. Conduct basic research of the historic district and the historic resources located within the district.
3. Determine the total number of historic and non-historic resources within the historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places.
4. Prepare a preliminary report that addresses at a minimum all of the following:
 - a. The charge of the committee.
 - b. The composition of the committee membership.
 - c. The historic district studied.
 - d. The boundaries for the historic district in writing and on maps.
 - e. The history of the historic district.
 - f. The significance of the district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

¹ The filing by Patrick and Lisa Lynch was originally styled as an "*Application for Certificate of Appropriateness for Modification to Historic District Structures*." The HDSC has treated said *Application* as a request for a recommendation from the Historic District Study Committee for removal of property from the historic district pursuant to MCL 399.214 and related authority as granted by the City Council.

5. Transmit copies of the preliminary report for review and recommendation to the Portage Planning Commission, to the Michigan Historical Commission and to the state Historic Preservation Review Board.
6. Make copies of the preliminary report available to the public.
7. Hold a public hearing within 60 days after the transmittal of the preliminary report.
8. Following the public hearing, prepare and submit a final report with its recommendations and the recommendations, if any, of the Portage Planning Commission to the City Council. If the recommendation is to modify the historic district, the final report must include a draft of a proposed ordinance.

The Composition of Committee Membership

Voting Members

The HDSC is comprised of members of the Portage Historic District Commission, including: Christine Broberg, Dorie Ehrig, Philip L. Ellison, Deb Srnek, Hamilton Scharff, and Al Van Kampen (2011-12 transitional member – member Michelle Carter’s replacement).

Non-Voting Participants

City of Portage Liaison: Erica Eklov

Abstentions

Mark Reile and Katie VanLonkhuyzen have abstained from participation in this review due to potential conflicts of interest. Michele Carter opted not to participate as her term was ending on December 31, 2011.

Historic District Studied

Property Address: 3821 West Milham Avenue
Portage, Michigan (County of Kalamazoo)

Parcel ID No.: 00007-025-A

This property is commonly referred to as the “Van Ripper Property.” The total size of the property is approximately 22.53 acres of which 1.51 acres is sought to be removed from the historic district for residential development.

On December 9, 2011, Christine Broberg and Dorie Ehrig visited the property and photographed the historic resources, which include the house, outbuilding, and the property generally. Photographs were taken of the parcels proposed to be removed from the historic district, in context within existing boundaries and the street, are attached hereto. Additional photos were provided by Mr. Lynch dated 2011 for reference (attached).

The proposed modification of the Van Ripper Property would remove the southeastern 1.51 acres to create three (3) residential lots for single-family residences and are referred to as properties A, B, and C. The modification does not affect any existing structure, building, or edifice. Any new construction on the new residential parcels will be subject to the City of Portage construction and development regulations.

The Boundaries for the Historic District in Writing and on Maps

The legal description for the historic property under the prior Historic District Ordinance (approximately):

SEC 7-3-11 W ½ NE ¼ SEC 7 EXC S 165 FT ALSO EXC US 131 ROW, ALSO EXC MICHIGAN HIGHWAY EASEMENT.

The legal description of the current historic district property under the City Assessor (approximately):

PART OF THE NE 1/4 OF FRACTION SEC 7-T3S-R11W DESCRIBED AS: BEG AT A POINT ON THE N LI OF SAID SEC 7 A DISTANCE OF 868.34 FT S 89DEG42'49"E OF THE N 1/4 POST OF SAID SEC 7; TH CONT S89DEG42'49"E ON SAID N SEC LI 77.75 FT; TH S00DEG02'20"E PARALLEL WITH THE E LI OF THE NW 1/4 OF THE NE 1/4 OF SAID SEC 7 A DISTANCE OF 935 FT; TH S76DEG18'12"W 143.74 FT; TH SOUTHWESTERLY 261.41 FT ON A 230 FT RADIUS CURVE THE LEFT WHOSE CHORD BEARS S43DEG44'34"W 247.57 FT; TH S11DEG10'57"W 10.65 FT TO THE N LI OF THE S 165 FT OF THE NW 1/4 OF THE SE 1/4 OF SAID SEC 7; TH N89DEG46'18"W ON SAID N LI 631.86 FT TO THE N & S 1/4 LI OF SAID SEC 7; TH N00DEG05'48"E ON SAID 1/4 LI 745.80 FT TO THE EASTERLY ROW LI OF HIGHWAY U.S. 131; TH N09DEG52'01"E ON SAID EASTERLY ROW LI 359.76 FT TO THE S ROW LI OF MILHAM AVENUE; TH S89DEG42'49"E ON SAID S ROW LI 806.09 FT; TH N00DEG05'48"W PARALLEL WITH SAID 1/4 LI 60 FT TO THE POB. CONTAINING 22.53 ACRES MORE OR LESS.

The new legal description of the proposed modified district (approximately):

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 THAT IS 868.34 FEET SOUTH 89 42' 49" EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89 42' 49" EAST ON SAID NORTH LINE 77.75 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 285.00 FEET; THENCE SOUTH 00 02' 20" EAST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE SOUTH 47 07' 46" EAST 42.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 127.20 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27 01' 34" WEST 125.59 FEET; THENCE SOUTH 11 10' 57" WEST ON SAID RIGHT OF WAY LINE 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 89 46' 18" WEST ON SAID NORTH LINE 631.86 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 7; THENCE NORTH 00 05' 48" WEST ON SAID QUARTER LINE 745.80 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09 52' 01" EAST ON SAID EASTERLY RIGHT OF WAY LINE 359.76 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89 42' 49" EAST ON SAID SOUTH RIGHT OF WAY LINE 806.09 FEET; THENCE NORTH 00 05' 48" WEST PARALLEL WITH SAID QUARTER LINE 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.02 ACRES MORE OR LESS.

The legal description of the property to be removed from the district (approximately):

PARCEL A:

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89' 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00' 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89' 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 190.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 00' 02' 20" EAST PARALLEL WITH SAID WEST LINE 242.61 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 80.41 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 52' 53' 10" WEST 80.00 FEET; THENCE NORTH 47' 07' 46" WEST 42.56 FEET; THENCE NORTH 00' 02' 20" WEST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE NORTH 89' 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.58 OF AN ACRE MORE OR LESS.

PARCEL B:

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89' 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A

DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00' 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89' 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 00' 02' 20" EAST PARALLEL WITH SAID WEST LINE 213.08 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTH 76' 18' 12" WEST ON SAID NORTHERLY RIGHT OF WAY LINE 45.98 FEET; THENCE SOUTHWESTERLY 53.80 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 69' 36' 09" WEST 53.68 FEET; THENCE NORTH 00' 02' 20" WEST PARALLEL WITH SAID WEST LINE 242.61 FEET; THENCE NORTH 89' 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.49 OF AN ACRE MORE OR LESS.

PARCEL C:

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89' 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00' 02' 20" EAST ON SAID WEST LINE 745.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING SOUTH 00' 02' 20" EAST ON SAID WEST LINE 190.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTH 76' 18' 12" WEST ON SAID NORTHERLY RIGHT OF WAY LINE 97.76 FEET; THENCE NORTH 00' 02' 20" WEST PARALLEL WITH SAID WEST LINE 213.08 FEET; THENCE NORTH 89' 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.44 OF AN ACRE MORE OR LESS.

The History of the Historic District

The property located at 3821 West Milham Avenue was first owned by Allison Kivine (asa Kinne), sold in 1836 to brother-in-law Stephen Howard. It is believed that the first brick home, in the style of Greek Revival, was built on the site which is today within the City of Portage territorial limits. The home-structure currently existing on the property was built in 1859. The barn is considered to have been built at the same time. The house was constructed using hand-hewn oak timbers, cut by Howard himself, for the basement along with handmade bricks. In the 1920s, the house was then utilized by Albert Henwood and his family, who modernized the home with the installation of plumbing and electricity.

The Henwoods also planted the well-known rows of lilac bushes that still exist on the property. The Van Rippers planted approximately 300 oaks and maples, which still exists on the south side of the property.

In 1945, Dr. Charles Gage Van Riper and his wife bought the property. Van Riper was a well-known audiologist and speech therapist, and founder of the Van Riper Speech Clinic at Western Michigan University.

A written history of the home is at the Portage District Library entitled "Our House."

The Significance of the District

The Van Riper Property, with its structures and plants, are historically significant to preserve. However, the proposed removal of 1.51 acre parcel from the historic district will have an insignificant contextual impact on the historic resources.

Recommendation

Following the study of the information contained within, the January 9, 2012 Planning Commission recommendation and the absence of any public comment at the January 11, 2012 Public Hearing, the Historic District Study Committee recommends that the request to modify the Historic District as presented be **APPROVED**. It is recommended that City Council approve amending the City of Portage Historic District Ordinance, specifically Section 38-35 "District Established; Boundaries," to reflect the ensuing legal description for 3821 West Milham (parcel #00007-025-A).

Photos of 3821 West Milham for the HDSC Report



1. South End of Property on edge of First Lot.



2. Approximate Edge of the 3rd Lot.



3. Approximate edge of 1st/2nd Lot.



4. Approximate edge of 2nd/3rd Lot.



5. Looking North East from bottom of property.



6. Tree line that separates lot from field



7. Looking North from Neighborhood towards out buildings.



8. On property looking SSE at undeveloped residential lots.



9. Tree line that shows where the edge of a back yard would be from home.



10. Standing 65' from building. Picture taken from sidewalk. Approximately where new property line will exist.



11. Looking at existing tree line towards the east from the new proposed property line.

Additional Views of Property of 3821 Milham Road



A. South edge of Property



B. South of Property Looking North



C. View of Out Building from South.



D. Looking North from South Edge of Property



E. View of Back barn from proposed new lot #2.



F. Looking North from proposed New Lot #2.



G. Looking North from South Edge of Property



H. Looking Northwest towards open field area of property.



I. Christine standing on approximate proposed new property line.



J. Looking North from South of Property



K. Trees on the site of Proposed New Lot #1.



L. South side (back) of house.

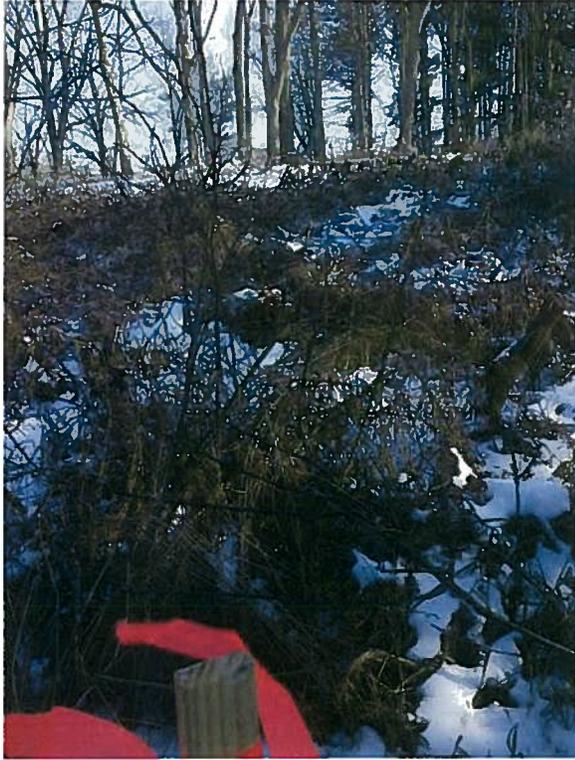


M. Standing by house looking south. Tall pine trees shows approximate new property line.



N. Similar view closer to house.

M. LYNCH PHOTOGRAPHS FOR 3821 WEST MILHAM (2011)



Looking east to west along north property line.



Looking west along north property line.



North front view of 3821 W. Milham – mid yard from Milham Avenue

M. LYNCH PHOTOGRAPHS FOR 3821 WEST MILHAM (2011)

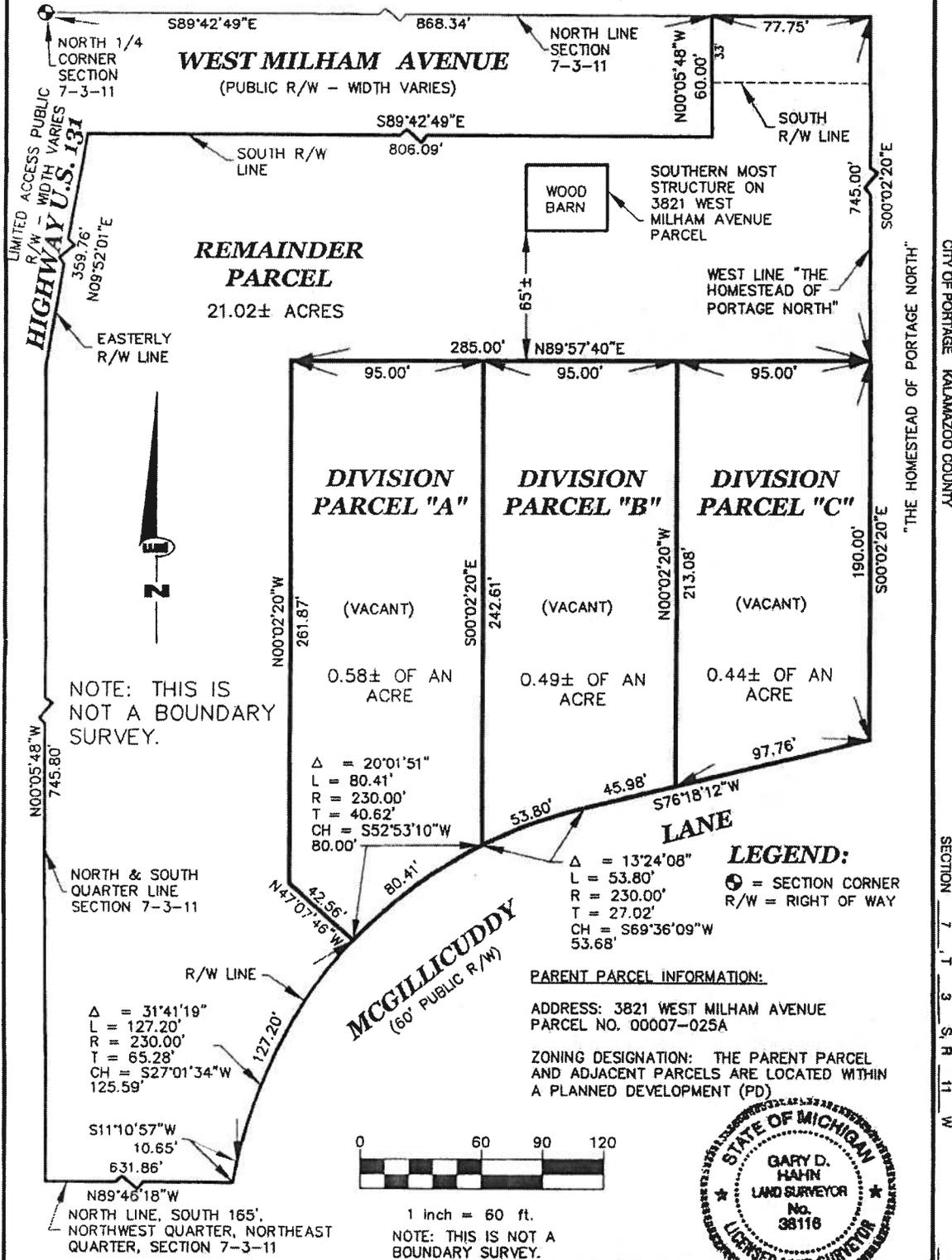


View of house from west yard.



View from east yard facing Milham Avenue

SKETCH OF DESCRIPTIONS IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN.



LEGAL DESCRIPTION OF DIVISION PARCEL "A":

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 190.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 242.61 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 80.41 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 52° 53' 10" WEST 80.00 FEET; THENCE NORTH 47° 07' 46" WEST 42.56 FEET; THENCE NORTH 00° 02' 20" WEST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE NORTH 89° 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.58 OF AN ACRE MORE OR LESS.

LEGAL DESCRIPTION OF DIVISION PARCEL "B":

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 213.08 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTH 76° 18' 12" WEST ON SAID NORTHERLY RIGHT OF WAY LINE 45.98 FEET; THENCE SOUTHWESTERLY 53.80 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 69° 36' 09" WEST 53.68 FEET; THENCE NORTH 00° 02' 20" WEST PARALLEL WITH SAID WEST LINE 242.61 FEET; THENCE NORTH 89° 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.49 OF AN ACRE MORE OR LESS.

LEGAL DESCRIPTION OF DIVISION PARCEL "C":

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE CONTINUING SOUTH 00° 02' 20" EAST ON SAID WEST LINE 190.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTH 76° 18' 12" WEST ON SAID NORTHERLY RIGHT OF WAY LINE 97.76 FEET; THENCE NORTH 00° 02' 20" WEST PARALLEL WITH SAID WEST LINE 213.08 FEET; THENCE NORTH 89° 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.44 OF AN ACRE MORE OR LESS.

LEGAL DESCRIPTION OF THE REMAINDER PARCEL - 3821 WEST MILHAM AVENUE:

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 THAT IS 868.34 FEET SOUTH 89° 42' 49" EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON SAID NORTH LINE 77.75 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 285.00 FEET; THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE SOUTH 47° 07' 46" EAST 42.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 127.20 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27° 01' 34" WEST 125.59 FEET; THENCE SOUTH 11° 10' 57" WEST ON SAID RIGHT OF WAY LINE 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 89° 46' 18" WEST ON SAID NORTH LINE 631.86 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 7; THENCE NORTH 00° 05' 48" WEST ON SAID QUARTER LINE 745.80 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09° 52' 01" EAST ON SAID EASTERLY RIGHT OF WAY LINE 359.76 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° 42' 49" EAST ON SAID SOUTH RIGHT OF WAY LINE 806.09 FEET; THENCE NORTH 00° 05' 48" WEST PARALLEL WITH SAID QUARTER LINE 80.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.02 ACRES MORE OR LESS.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES (REMAINDER PARCEL ONLY).

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

ASSUMED THE NORTH LINE OF SAID SECTION 7 TO BEAR SOUTH 89° 42' 49" EAST PER NOTICE OF COMMENCEMENT DOCUMENT NO. 2002-001008.

W&A WIGHTMAN & ASSOCIATES, INC.
ENGINEERING • SURVEYING • ARCHITECTURE
2303 PIPESTONE ROAD
BENTON HARBOR, MI 49022
PHONE: (269) 927-0100
FAX: (269) 927-1300
9835 PORTAGE ROAD
PORTAGE, MI 49002
PHONE: (269) 327-3532
FAX: (269) 327-7679
www.wightman-assoc.com

CLIENT: AMERICAN VILLAGE BUILDERS, INC.
JOB NO: (110352)
DATE: SEPTEMBER 28, 2011
SCALE:
DRAWN BY: GDH
CHECKED BY:


GARY D. HAMA

CITY OF PORTAGE KALAMAZOO COUNTY
SECTION 7 T 3 S R 11 W
A-110352 PS-38110

MILHAM ROAD



3821 West
Milham Avenue

COTTAGE
OFFICE

Proposed
boundary alteration

13

MCGILlicuddy LANE

WESTCOVE DRIVE

5

4

3

2

1

A

B

C

33

62

61

60

STORM
WATER
GREEN SPACE

CITY OF PORTAGE

COMMUNICATION

TO: Portage Planning Commission

DATE: December 21, 2011

FROM: Portage Historic District Study Committee (ELE for)

SUBJECT: Historic District Modification – 3821 West Milham Avenue

Attached is a preliminary report concerning a request for a historic district modification at 3821 West Milham Avenue. The preliminary report is being provided to the Planning Commission for review, as set out in Public Act 169 of 1970. A public hearing will be held on this matter on Wednesday, January 11, 2011 at 8:30 a.m. in Portage City Hall Conference Room #3.

c: Erica L. Eklov, Historic District Commission Staff Liaison

Attachment

RECEIVED

JAN 09 2012

**CITY MANAGER'S OFFICE
PORTAGE, MI**

TO: Historic District Commission

FROM: Planning Commission

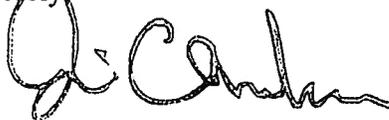
DATE: January 9, 2012

SUBJECT: Historic District Modification: Van Riper Property, 3821 West Milham Avenue

During the January 5, 2012 meeting, the Planning Commission reviewed the communication and report from the Portage Historic District Study Committee regarding the request from Patrick and Lisa Lynch to remove approximately 1.51 acres of land from the existing Van Riper historic district property located at 3821 West Milham Avenue. The 1.51 acre land area is located along the southeast perimeter of 3821 West Milham Avenue, adjacent McGillicuddy Lane, and is proposed to be divided into three single family residential building sites.

After a brief discussion involving the size of lots and the history of the site, the Planning Commission concluded that the proposed modification would have minimal impact on the overall historic district. As a result, a motion was offered by Commissioner Welch, seconded by Commissioner Patterson, to recommend to the Historic District Commission approval of the modification involving the Van Riper Historic District Property located at 3821 West Milham Avenue. The motion was approved 5-0-2 with Commissioner Dargitz and Commissioner Stoffer abstaining.

Sincerely,



James Cheesebro
Chairman

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 38-35 OF CHAPTER 38,
HISTORICAL PRESERVATION,**

THE CITY OF PORTAGE ORDAINS:

That Section 38-35 of Chapter 38, Historical Preservation, is hereby amended as follows:

Section 38-35. District established; boundaries.

The legal description for the property located at 3821 West Milham Avenue, Tax I.D. No. 7-025-O, is hereby modified as follows:

Property Address: 3821 West Milham Avenue
Tax ID No. 7-025-A

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 THAT IS 868.34 FEET SOUTH 89° 42' 49" EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON SAID NORTH LINE 77.75 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 285.00 FEET; THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE SOUTH 47° 07' 46" EAST 42.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILlicuddy LANE; THENCE SOUTHWESTERLY 127.20 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27° 01' 34" WEST 125.59 FEET; THENCE SOUTH 11° 10' 57" WEST ON SAID RIGHT OF WAY LINE 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 89° 46' 18" WEST ON SAID NORTH LINE 631.86 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 7; THENCE NORTH 00° 05' 48" WEST ON SAID QUARTER LINE 745.80 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09° 52' 01" EAST ON SAID EASTERLY RIGHT OF WAY LINE 359.76 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° 42' 49" EAST ON SAID SOUTH RIGHT OF WAY LINE 806.09 FEET; THENCE NORTH 00° 05' 48" WEST PARALLEL WITH SAID QUARTER LINE 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.02 ACRES MORE OR LESS.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Peter J. Strazdas

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2012.

James R. Hudson, City Clerk

Approved as to form
Date: 1/25/12

 JRH
City Attorney

ADOPTION OF ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE

TO ALL RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL OTHER INTERESTED PERSONS:

NOTICE IS HEREBY GIVEN that an Ordinance to amend Section 38-35, HISTORICAL PRESERVATION, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2012, and will become effective _____, 2012.

NOTICE IS FURTHER GIVEN that the amendment reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Section 38-35 of Chapter 38, Historical Preservation, is hereby amended as follows:

38-35. District established; boundaries.

The legal description for the property located at 3821 West Milham Avenue, Tax I.D. No. 7-025-O, is hereby modified as follows:

Property Address: 3821 West Milham Avenue
Tax ID No. 7-025-A

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 THAT IS 868.34 FEET SOUTH 89° 42' 49" EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON SAID NORTH LINE 77.75 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 285.00 FEET; THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE SOUTH 47° 07' 46" EAST 42.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 127.20 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27° 01' 34" WEST 125.59 FEET; THENCE SOUTH 11° 10' 57" WEST ON SAID RIGHT OF WAY LINE 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 89° 46' 18" WEST ON SAID NORTH LINE 631.86 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 7; THENCE NORTH 00° 05' 48" WEST ON SAID QUARTER LINE 745.80 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09° 52' 01" EAST ON SAID EASTERLY RIGHT OF WAY LINE 359.76 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° 42' 49" EAST ON SAID SOUTH RIGHT OF WAY LINE 806.09 FEET; THENCE NORTH 00° 05' 48" WEST PARALLEL WITH SAID QUARTER LINE

60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.02 ACRES MORE OR LESS.

PLEASE TAKE FURTHER NOTICE that copies of said proposed amendment may be examined at the City Hall on any business day except public and legal holidays from and after publication of this Notice until the day of hearing from 8:00 a.m. and 5:00 p.m.

Dated: _____, 2012

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002

Z:\Jody\PORTAGE\ORD\ZONING\Ord Amendment Sect 38-35 Hist Dist Comm - legal descr amendment.011612.doc

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 22, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: HP StorageWorks P4300 G2 MDL SAS Starter SAN Solution Hard Drive Array

RECOMMENDED ACTION: That City Council approve the purchase of one HP StorageWorks P4300 G2 MDL SAS Starter SAN Solution hard drive array with three-year extended service at a cost of \$22,146 and authorize the City Manager to execute all documents related to this purchase on behalf of the city.

The main city network file server contains two terabytes of important city data and software applications but is nearing maximum capacity. The Technology Services Department anticipates exponential growth of city electronic data and recommends the purchase of a large electronic data storage device. Purchasing a large quantity of electronic data storage at current pricing saves the city money as the cost of electronic data storage is expected to continue to increase.

The Technology Services Department solicited bids for one 16-terabyte HP StorageWorks P4300 G2 MDL SAS Starter SAN Solution hard drive array with a three-year extended service warranty. Two bids were received with SARCOM providing the lowest and best bid of \$22,146.

The 16-terabyte drive is expected to remain in service for at least five years. Because this type of hard drive is network attached storage, it can be easily transferred to other servers as needed, helping to reduce the overall cost of server replacements.

It is recommended that Council authorize the purchase of one HP StorageWorks P4300 G2 MDL SAS Starter SAN Solution hard drive array and three-year extended service at a cost of \$22,146 and authorize the City Manager to execute all documents related to this purchase. Funds are allocated for this purchase in the FY 2011-12 Technology Services Capital Improvement Project account.

BID TABULATION
HP STORAGE WORKS

<u>Item</u>	<u>SARCOM, Inc.</u> 2900 Charlevoix Dr. SE, Ste 110 <u>Grand Rapids, MI 49546</u>	<u>Business Services</u> PO Box 8102 <u>Longboat Key, FL</u>
HP Storage Works	\$20,704.00	\$32,399.98
3 Year Extended Warranty	<u>\$1,442.00</u>	<u>\$1,549.98</u>
Total	\$22,146.00	\$33,949.96

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor & City Council

DATE: February 22, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: SuperDeck Boardwalk – Bid Recommendation

ACTION RECOMMENDED: That City Council approve a sole-source provider bid from Aggressive Industries in the amount of \$11,250 for supply and delivery of SuperDeck materials for improvements to the Bishop's Bog Preserve trail and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Parks, Recreation and Property Management Department maintains several sections of wetland trail utilizing a floating decking called "SuperDeck." SuperDeck provides access to and through wetlands with minimal negative impact upon the environment. The Bishop's Bog Preserve trail incorporates over one mile of SuperDeck, which was originally installed in 1997. Due to the changing water levels in the Bishops Bog wetland, portions of the decking trail require a second layer. This practice has previously proven successful in other trail applications in Bishops Bog and the West Lake Nature Preserve. The overlay decking will enhance the unique Bishop's Bog trail to the benefit of the public.

SuperDeck is a material only available from Aggressive Industries, the sole-source provider for this product. A bid was requested and received to supply and deliver additional floatation decking for the Bishop's Bog trail in the amount of \$11,250 for 250 feet of overlay. Installation of the decking materials will be addressed under a separate bid. Based upon a similar project in 2011, the installation cost should be under \$4,000.

It is recommended that City Council approve this sole-source provider bid submitted by Aggressive Industries for supply and delivery of decking and authorize the City Manager to execute all documents related to this action. Funds are available in the 2011-2012 Capital Improvement Program budget for this purchase.